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COMMISSION ON HUMAN RIGHTS

Sub-Commission on Prevention of
Discrimination and Protection
of Minorities

REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-THIRD SESSION

Geneva, 5-30 August 1991

Rapporteur: Mr. El Hadji GUISSE

GE.91-13919/3873B

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I. ISSUES REFERRED TO THE COMMISSION ON HUMAN RIGHTS FOR ITS ATTENTION, ACTION OR CONSIDERATION

A. Draft resolutions

I. Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist regime of South Africa

The Commission on Human Rights,

Taking note of resolution 1990/3 of 20 August 1990 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling General Assembly resolutions 39/15 of 23 November 1984, 41/95 of 4 December 1986, 43/92 of 8 December 1988 and 45/84 of 14 December 1990,

Recalling also Economic and Social Council resolution 1991/26 of 31 May 1991,

Noting the initiative taken by the President of South Africa on 2 February 1990, promising a new era in South Africa and an end to white domination,

Recommends the following draft resoluton to the Economic and Social Council for adoption:

The Economic and Social Council,

Recalling its resolution 1991/26 of 31 May 1991,

Recalling also General Assembly resolutions 39/15 of 23 November 1984, 41/95 of 4 December 1986, 43/92 of 8 December 1988 and 45/84 of 14 December 1990,

1. Expresses is appreciation to Mr. Ahmed Khalifa, the Special Rapporteur, for his updated report (E/CN.4/Sub.2/1991/13 and Add.1);

2. Expresses its thanks to all Governments and organizations which supplied the Special Rapporteur with information;

3. Decides to invite the Special Rapporteur:

(a) To continue to update the list of banks, transnational corporations and other organizations assisting the racist regime of South Africa, giving such details regarding enterprises listed as he may consider necessary and appropriate, including explanations of responses, if any, and to submit the updated report through the Sub-Commission on Prevention of Discrimination and Protection of Minorities to the Commission on Human Rights;

(b) To use all available material from other United Nations organs, Member States, national liberation movements recognized by the Organization of African Unity, specialized agencies, other intergovernmental and non-governmental organizations and other relevant sources in order to indicate the volume, nature and adverse human consequences of the assistance given to the racist regime of South Africa;

(c) To intensify direct contacts with the United Nations Centre on Transnational Corporations and the Centre against Apartheid with a view to consolidating mutual cooperation in updating his report;

4. Calls upon all Governments:

(a) To cooperate with the Special Rapporteur in making the report even more accurate and informative;

(b) To disseminate the updated report and give its contents the widest possible publicity;

5. Also calls upon all Governments and organizations to maintain sanctions against the regime of South Africa until the total dismantlement of the apartheid system, in conformity with the Declaration on Aparthid and its Destructive Consequences in Southern Africa, adopted by the General Assembly in its resolution S-16/1 of 14 December 1989;

6. Invites the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-fourth session and the Commission on Human Rights at its forty-eighth session to consider the revised report;

7. Requests the Secretary-General, in accordance with General Assembly resolution 45/84 of 14 December 1990, to make two economists available to the Special Rapporteur to help him develop his analysis and documentation on specific cases of special importance;

8. Also requests the Secretary-General to give the Special Rapporteur all the assistance that he may require in the exercise of his mandate with a view to intensifying direct contacts with the United Nations Centre on Transnational Corporations and the Centre against Apartheid and to consolidating mutual cooperation in updating his report;

9. Further requests the Secretary-General to bring the updated report of the Special Rapporteur to the attention of Governments whose national financial institutions continue to deal with the regime of South Africa and to call upon them to provide the Special Rapporteur with any information or comments they may wish to present on the matter;

10. Requests the Secretary-General to contact the Government of South Africa with a view to enabling the Special Rapporteur to visit South Africa on a special mission for the purposes of the next updating of the present report;

11. Invites the Secretary-General to continue to give the updated report of the Special Repporteur the widest possible distribution and the publicity as a United Nations publication.

[See chap. II, sect. A, resolution 1991/1 and chap. VI.]

II. The right to a fair trial

The Commission on Human Rights,

Recalling it decision 1990/108 of 7 March 1990 and its resolution 1991/43 of 5 March 1991, in which it endorsed the decision of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to entrust Mr. Stanislav Chernichenko and Mr. William Treat with the preparation of a study on the right to a fair trial: current recognition and measures necessary for its strengthening,

Having examined the brief report on the right to a fair trial prepared by Mr. Chernichenko and Mr. Treat (E/CN.4/Sub.2/1990/34) and their second report (E/CN.4/Sub.2/1991/29),

Noting Sub-Commission resolution 1991/14 of 28 August 1991,

Welcoming the recommendations made by Mr. Chernichenko and Mr. Treat in section V of their second report,

1. Expresses its appreciation, to the Special Rapporteurs, Mr. Stanislav Chernichenko and Mr. William Treat, for their continued work in preparing the study on the right to a fair trial: current recognition and measures necessary for its strengthening;

2. Endorses the request of the Sub-Commission on Prevention of Discrimination and Protection of Minorities in its resolution 1991/14 to Mr. Chernichenko and Mr. Treat to continue the preparation of their study;

3. Requests the Secretary-General to provide the Special Rapporteurs with all the assistance they may require in this task;

4. Also requests the Secretary-General to transmit the questionnaire contained in the second report (E/CN.4/Sub.2/1991/29, annex II) to those Governments, specialized agencies and non-governmental organizations which have not yet responded to the previous questionnaire, as well as to associations of lawyers, for their response and comments, and to transmit the replies to the Special Rapporteurs;

5. Requests the Special Rapporteurs to take into account, in preparing their study, the reports of States parties to treaty-monitoring bodies, the consideration of those reports by the bodies concerned and other experience of those bodies relevant to the right to a fair trial;

6. Recommends that the Special Rapporteurs exchange views in regard to the study with officials of the Centre for Social Development and Humanitarian Affairs and the Committee on Crime Prevention and Control;

7. Requests the Special Rapporteurs to submit a third report, based upon their study of the interpretations of international organizations with regard to the right to a fair trial and upon a preliminary analysis of the responses to the revised questionnaire and other relevant information, to the Sub-Commission at its forty-fourth session for its consideration and for submission to the Commission on Human Rights at its forty-ninth session;

8. Looks forward to the preparation by the Special Rapporteurs in the future of a fourth report containing a more complete analysis of the responses to the questionnaires and other relevant information, as well as of a fifth report containing recommendations for strengthening the right to a fair trial;

9. Urges the Special Rapporteurs to continue their study with a view to strengthening the implementation of present fair trial standards and to improving the protection of the right to a fair trial by, for example, making the right to a fair trial or certain aspects of that right non-derogable;

10. Also urges the Special Rapporteurs to consider the desirability of incorporating the basic fair trial guarantees into an international standard, such as a model code, for consideration by the Sub-Commission and the Commission at future sessions;

11. Recommends the following draft decision to the Economic and Social Council for adoption:

> The Economic and Social Council, recalling its decision 1991/28 of 31 May 1991 and taking note of Commission on Human Rights resolutions 1991/43 of 5 March 1991 and 1992/ ... of ... 1992, approves the endorsement by the Commission on Human Rights of the request of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to Mr. Stanislav Chernichenko and Mr. William Treat to continue the preparation of their study on the right to a fair trial: current recognition and measures necessary for its strengthening, as described in Sub-Commission resolution 1991/14 of 28 August 1991, and approves the Commission's request to the Secretary-General to provide the two Special Rapporteurs with all the assistance necessary for the completion of their task.

[See chap. II, sect. A, resolution 1991/14 and chap. XI.]

III. Habeas corpus

The Commission on Human Rights,

Bearing in mind article 9 (4) of the International Covenant on Civil and Political Rights,

Recalling its resolution 1991/34 of 5 March 1991, in which it invited the Sub-Commission on Prevention of Discrimination and Protection of Minorities to consider the question of the effectiveness of habeas corpus and similar remedies during states of emergency and to formulate suggestions thereon,

Noting Sub-Commission resolution 1991/15 of 28 August 1991, as well as the recommendation contained in annex I, section 8 of the report of the Special Rapporteur (E/CN.4/Sub.2/1991/28),

Recalling the advisory opinion of the Inter-American Court of Human Rights on habeas corpus in emergency situations (OC-8/87 of 30 January 1987), according to which habeas corpus is "essential for the protection of the rights and freedoms whose suspension Article 27(2) [of the American Convention on Human Rights] prohibits",

Recalling also the Siracusa Principles on the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights, which concluded that the ordinary courts should maintain their jurisdiction, even in a time of public emergency, to adjudicate any complaint that a non-derogable right had been violated.

1. Calls on all States that have not yet done so to establish a procedure such a habeas corpus by which anyone who is deprived of his or her liberty by arrest or detention shall be entitled to institute proceedings before a court, in order that that court may decide without delay on the lawfulness of his or her detention and order his or her release if the detention is found to be unlawful;

2. Also calls on all States to maintain the right to such a procedure at all times and under all circumstances, including during states of emergency.

[See chap. II, sect. A, resolution 1991/15 and chap. XI.]

IV. Human rights and disability

The Commission on Human Rights,

Taking account of resolution 1991/19 of 28 August 1991 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Having considered the final report of the Special Rapporteur on human rights and disability (E/CN.4/Sub.2/1991/31);

Recommends the following draft resolution to the Economic and Social Council for adoption:

The Economic and Social Council,

Taking account of resolution 1991/19 of 28 August 1991 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, entitled "Human rights and disability", and resolution 1992/... of ...1992 of the Commission on Human Rights,

Recalling its resolution 1984/26 of 24 May 1984, in which it requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to appoint a special rapporteur to undertake a study on human rights, disability, and the progress made to alleviate problems,

1. Expresses its appreciation to the Special Rapporteur, Mr. Leandro Despouy, for his final report on human rights and disability (E/CN.4/Sub.2/1991/31);

2. Requests the Secretary-General to take steps to ensure that all the recommendations contained in the report are implemented urgently;

3. Decides to take steps to ensure better coordination among specialized agencies, the human rights bodies of the United Nations and other organs dealing with the human rights of disabled persons;

4. Decides that the final report on human rights and disability should be published by the United Nations in all the official languages and issued in Braille, large print and on cassettes, and given the widest possible circulation.

[See chap. II, sect. A, resolution 1991/19 and chapt. XIII.]

V. Human rights and youth

The Commission on Human Rights,

Taking note of resolution 1991/20 of 28 August 1991 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recommends the following draft resolution to the Economic and Social Council for adoption:

The Economic and Social Council,

Recalling Commission on Human Rights resolution 1991/... of ... and resolution 1991/20 of 28 August 1991 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

1. Expresses its appreciation to the Special Rapporteur, Mr. Dumitru Mazilu, for his progress report (E/CN.4/Sub.2/1991/42);

2. Expresses its thanks to all Governments and non-governmental organizations that supplied the Special Rapporteur with relevant information;

3. Decides to invite the Special Rapporteur, Mr. Dimitru Mazilu, to update his report in the light of the suggestions made at the forty-third session of the Sub-Commission, giving special attention to the problems of underdevelopment, unemployment, the right to conscientious objection to military service and children in prison throughout the world;

4. Invites Mr. Mazilu to consult governmental and non-governmental organizations in order to elaborate further and to complete his work on the draft charter of the rights and freedoms of youth throughout the world, with a view to submitting the final version of the draft to the Sub-Commission on Prevention of Discrimination and Protection of Minorities, at its forty-fourth session, for its consideration of follow-up to this draft charter;

5. Requests the Secretary-General to continue to gather and supply to Mr. Mazilu information and data relating to his study and to provide him with all the assistance he may need to complete his report, including consultations at the Centre for Human Rights, in order that he may submit his final report to the Sub-Commission at its forty-fourth session.

[See chap. II, sect. A, resolution 1991/20 and chap. XVIII.]

VI. Protection of minorities

The Commission on Human Rights,

Taking into account resolutions 6 (XXX) of 31 August 1977 and 1991/21 of 28 August 1991 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling that the General Assembly, in its resolution 217 (III) of 10 December 1948, in which it adopted the Universal Declaration of Human Rights, considered that the United Nations could not remain indifferent to the fate of minorities,

Recalling also article 27 of the International Convenant on Civil and Political Rights,

Recalling further its resolutions 1990/13 of 23 February 1990, and 1990/45 and 1990/46 of 6 March 1990,

Bearing in mind General Assembly resolution 39/16 of 23 November 1984, in which the Assembly invited the Commission on Human Rights to continue exercising vigilance in identifying actual or emergent situations of racism or racial discrimination, to draw attention to them where discovered and to suggest appropriate remedial measures,

1. Urges the Special Rapporteurs of the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in carrying out their work, to accord special attention to the specific conditions in which the Roma (gypsy) communities live;

2. Invites States which have Roma communities living within their borders to take, in consultation with those communities, all the necessary legislative, administrative, economic and social measures to ensure the de jure and de facto equality of the members of those communities and to guarantee their protection and security;

3. Emphasizes the need to provide States which request them with the necessary advisory services for that purpose.

[See chapt II, sect. A, resolution 1991/21 and chap. XIX.]

VII. Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

The Commission on Human Rights,

Convinced that an independent and impartial judiciary and an independent legal profession are essential for the protection of human rights and for ensuring that there is no discrimination in the administration of justice;

Recalling its resolutions 1989/32 of 6 March 1989, in which it requested that the Sub-Commission on Prevention of Discrimination and Protection of Minorities consider effective means of monitoring the implementation of the United Nations Basic Principles on the Independence of the Judiciary and the protection of practising lawyers, 1990/33 of 2 March 1990, in which it endorsed Sub-Commission resolution 1989/22 of 31 August 1989 inviting Mr. Louis Joinet to prepare a working paper on means by which the Sub-Commission could monitor the implementation of the Basic Principles, and 1991/39 of 5 March 1991, in which it endorsed the decision of the Sub-Commision in resolution 1990/23 of 30 August 1990 to entrust Mr. Joinet with the preparation of a report on strengthening the independence of the judiciary and the protection of practising lawyers,

1. Welcomes the recommendations made in the report (E/CN.4/Sub.2/1991/30 and Add.1-4) prepared in accordance with resolution 1990/23 of the Sub-Commisson on Prevention of Discrimination and Protection of Minorities of 30 August 1990 and Commission on Human Rights resolution 1991/39 of 5 March 1991, and endorsed by the Sub-Commission in its resolution 1991/35 of 29 August 1991;

2. Endorses the decision of the Sub-Commission to entrust Mr. Louis Joinet with the preparation of a report to bring to the attention of the Sub-Commission information on practices and measures which have served to strengthen or to weaken the independence of the judiciary and the legal profession in accordance with United Nations standards, paying particular attention to those elements set out in paragraph 302 of his report prepared pursuant to Sub-Commission resolution 1990/23;

3. Requests the Secretary-General to provide the Special Rapporteur with all the assistance necessary for the completion of this task;

4. Recommends the following draft decision to the Economic and Social Council for adoption:

> At its ... plenary meeting on ..., the Economic and Social Council, taking note of Commission on Human Rights resolution ... of ..., approved the Commission's endorsement of the decision of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to entrust Mr. Louis Joinet with the preparation of a report on the independence of the judiciary and the legal profession as described in Sub-Commission resolution 1991/35 and approved the Commission's request to the Secretary-General to provide him with the assistance necessary for the completion of his task.

[See chap. II, sect. A, resolution 1991/35 and chap. XII.]

VIII. Fraudulent enrichment of top State officials prejudicial to the public interest

The Commission on Human Rights,

Recalling the resolution on corruption in government adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (Havana, 27 August-7 September 1990), in which the Congress noted that the problems of corruption in public administration were universal and that, although they had particularly deleterious effects on nations with vulnerable economies, those effects were felt throughout the world, and stated its conviction that corrupt activities of public officials could destroy the potential effectiveness of all types of governmental programmes, hinder development and victimize indiduals and groups,

Considering the necessity for determined action to combat the fraudulent or illicit enrichment of top state officials and the transfer abroad of the assets thus diverted, as well as to prevent those practices which undermine the democratic system in countries throughout the world and constitute an obstacle to the economies of the countries concerned,

Considering also that, in some countries, corruption has become systemic,

Noting with anxiety that corruption has further acquired a transnational character, in particular as a result of the illicit arms trade, international drug trafficking and money laundering,

Convinced that the solution of these problems calls not only for resolute political will on the part of national authorities, but also for close international cooperation, notably in the form of mutual legal assistance,

Noting with regret that, although international law does not regard the misappropriation of public funds as a political offence but accords it the character of a common law offence, the law and judicial practice of most States do not allow the extradition of persons guilty of such misappropriation,

Considering that, for many peoples who have been the victims of institutionalized corruption and who, at present, are seeking to strengthen their democratic system, a satisfactory solution to these problems is necessary not only from a moral point of view, but above all in order to ensure reparation of damage caused to their economic interests as a result of the illicit removal of these resources,

Considering that all countries have an obligation to take steps to prevent fraudulently acquired funds from entering their territory,

Convinced that developed countries have a special responsibility to contribute diligently to the restitution to despoiled peoples of the funds which their leaders have extorted from them, with a view to contributing to their economic, social and cultural development,

Recalling its resolution 1991/18 of 1 March 1991, in which it expressed its awareness that, despite progress achieved by the international community with respect to the setting of standards for the realization of economic, social and cultural rights contained in the International Covenant on Economic, Social and Cultural Rights, the implementation and promotion of those rights and the problems of their realization had not yet received sufficient attention within the framework of the United Nations system,

Recalling further General Assembly resolution 45/155 of 18 December 1990, in which the General Assembly decided, inter alia, that one of the objectives of the 1993 World Conference on Human Rights should be to examine the relationship between development and the enjoyment by everyone of economic, social and cultural rights, as well as of civil and political rights,

Decides to study the question of the fraudulent enrichment of top State officials prejudicial to the public interest under item 7 of its agenda concerning the question of the realization in all countries of the economic, social and cultural rights proclaimed in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights.

[See chap. II, sect. A, resolution 1991/36 and chap. VIII.]

IX. Draft programme of action for the prevention of traffic in persons and the exploitation of the prostitution of others

The Commission on Human Rights,

Having examined the report of the Working Group on Contemporary Forms of Slavery on its sixteenth session (E/CN.4/Sub.2/1991/41 and Corr. 1) submitted to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-third session,

Having taken note with deep anxiety of the information contained in this report relating to the worldwide phenomenon of the traffic in persons and the exploitation of the prostitution of others,

Recalling Economic and Social Council resolution 1983/30 of 26 May 1983 entitled "Suppression of the traffic in persons and of the exploitation of the prostitution of others" and subsequent resolutions of the Economic and Social Council on this subject,

Gravely concerned about the consequences of these practices for their victims,

Having examined the various elements of the draft programme of action for the prevention of traffic in persons and the exploitation of the prostitution of others proposed by the Sub-Commission,

1. Endorses the views expressed by the Sub-Commission on Prevention of Discrimination and Protection of Minorities in its resolution 1991/37 of 29 August 1991 on the need to launch a concerted programme of action to combat traffic in persons and the exploitation of the prostitution of others;

2. Decides to transmit the draft programme of action for the prevention of traffic in persons and the exploitation of the prostitution of others as contained in the report of the Working Group on Contemporary Forms of Slavery (E/CN.4/Sub.2/1991/41, annex I) to Governments, specialized agencies, intergovernmental organizations and non-governmental organizations, for their comments;

3. Requests the Secretary-General to submit to the Commission on Human Rights at its forty-ninth session a report containing a summary of the comments received;

4. Decides to examine, at its forty-ninth session, the draft programme of action and the report of the Secretary-General.

[See chap. II, sect. A, resolution 1991/37 and chap. XVII.]

X. Question of the Palestinian and other Arab territories occupied by Israel

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, The Hague Convention of 18 October 1907 and Annexed Regulations concerning the Laws and Customs of War on Land (Convention No. IV of 1907) and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,

Taking note of resolution 1991/38 of 29 August 1991 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recommends the following draft resolution to the Economic and Social Council for adoption:

The Economic and Social Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the Internatonal Covenant on Civil and Political Rights, The Hague Convention of 18 October 1907 and Annexed Regulations concerning the Laws and Customs of War on Land (Convention No. IV of 1907) and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,

Considering Commission on Human Rights resolution 1992/... of ... ... 1992 and resolution 1991/38 of 29 August 1991 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Considering that the continued building of Israeli settlements in the Terrtories occupied since 1967 is a serious violation of the laws of armed conflict, in particular the Fourth Geneva Convention of 1949 and the Hague Convention No. IV of 1907.

Recalling Security Council resolutions 446 (1979) and 465 (1980) and all other Security Council and General Assembly resolutions concerning the illegality of Israeli settlements in the territories occupied since 1967.

Recalling also that in accordance with article 1 of the Fourth Geneva Convention of 1949 States parties to the Conventon are under the obligation not only to respect the provisions of the Convention but also to ensure respect for its provisions,

Bearing in mind the repeated resolutons adopted by the Commission on Human Rights and the Sub-Commission on Preventon of Discrimination and Protection of Minorities condemning the building of Israeli settlements in the occupied territories,

Bearing in mind Article 96 (2) of the Charter of the United Nations and Article 65 of the Statute of the International Court of Justice,

Requests an advisory opinion from the International Court of Justice at an early date on the following question:

"What are the legal consequences for States arising from the building by Israel of settlements in the territories occupied since 1967, notwithstanding Security Council resolutions 446 (1979) and 465 (1980)?"

[See chap. II, sect. A, resolution 1991/38 and chap. V.]

B. Draft decisions

1. Question of human rights and states of emergency

The Commission on Human Rights, noting resolution 1991/18 of 28 August 1991 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, recommends to the Economic and Social Council the following draft decision:

> "The Economic and Social Council, taking note of Commission on Human Rights decision 1992/... and of resolution 1991/18 of 28 August 1991, of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the request by the Sub-Commission to Mr. Leandro Despouy, Special Rapporteur on human rights and states of emergency, to continue to update the list of states of emergencies and to include in his annual report to the Sub-Commission and the Commission on Human Rights the completed draft standard provisions on emergency situations, giving special emphasis to the question of non-derogable rights. The Council further endorses the request to the Secretary-General to provide the Special Rapporteur with all the assistance he may require in order to enable him to carry out his work and, in particular, to respond in an effective way to information submitted to him."

[See chap. II, sect. A, resolution 1991/18 and chap. XI.]

2. Possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities

The Commission on Human Rights, noting resolution 1991/22 of 29 August 1991 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, approves the request of the Sub-Commission that:

(a) The Secretary-General prepare, with the cooperation of the Special Rapporteur, the technical meeting of experts on minorities provided for in Commission on Human Rights resolution 1991/62, with a view to it taking place in 1992;

(b) The Special Rapporteur visit three States in different continents in which minority problems occur and communicate directly with Governments and minorities in those States in order to gain first-hand information;

(c) The Special Rapporteur submit an up-dated report and the Secretary-General give him all the assistance he may require to carry out his work successfully.

[See chap. II, sect. A, resolution 1991/22 and chap. XIX.]

3. Traditional practices affecting the health of women and children

At its ... meeting, on ... 1992, the Commission on Human Rights, noting resolution 1991/23 of 29 August 1991 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, approved the recommendation of the Sub-Commission that:

(a) The subject of harmful traditional practices affecting the health of women and children be maintained on the agenda of the Sub-Commission in so far as they constituted violations of human rights within the meaning of the relevant provisions of the International Bill of Human Rights and many other international instruments, in particular the Convention on the Rights of the Child;

(b) The mandate of the Special Rapporteur be extended for two years so as to enable her to submit to the Sub-Commission at its forty-fifth session a plan of action for the elimination of harmful traditional practices affecting the health of women and children, and a report on the regional seminar to take place in Asia;

(c) The Centre for Human Rights provide a full-time Professional staff member to follow up the question of traditional practices affecting the health of women and children and to liaise with Governments, United Nations agencies and regional commissions, non-governmental organizations and other concerned institutions, with special emphasis on gathering data from the many organizations currently working to eliminate harmful traditional practices;

(d) The Centre for Human Rights provide all the assistance that the Special Rapporteur might require in the exercise of the mandate entrusted to her in Sub-Commission resolution 1991/23.

[See chap. II, sect. A, resolution 1991/23 and chap. V.]

4. Human rights and the environment

The Commission on Human Rights, noting resolution 1991/24 of 29 August 1991 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the request of the Sub-Commission to Ms. Fatma Zohra Ksentini, Special Rapporteur on human rights and the environment, to prepare a progress report on human rights and the environment and to request the Secretary-General to provide the Special Rapporteur with all the assistance that she requires for the preparation of her study and the necessary assistance to compile and analyse the information and documents collected.

[See chap. II, sect. A, resolution 1991/24 and chap. V.]

5. The right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms

The Commission on Human Rights, noting resolution 1991/25 of 29 August 1991 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the request by the Sub-Commission to Mr. Theo van Boven, Special Rapporteur on the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms, to prepare a second progress report containing additional information on and an analysis of relevant decisions and views of international human rights organs, as well as information on and an analysis of national law and practice. The Council further endorses the request to the Secretary-General to provide the Special Rapporteur with all the assistance that he requires to carry out his study.

[See chap. II, sect. A, resolution 1991/25 and chap. V.]

6. Realization of economic, social and cultural rights

The Commission on Human Rights, noting resolution 1991/27 of 29 August 1991 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities endorses the request of the Sub-Commission to Mr. Danilo Türk, Special Rapporteur on the realization of economic, social and cultural rights, to prepare his final report and requests the Secretary-General to provide the Special Rapporteur with all the assistance he may require for the successful completion of his task, and to make available to him all relevant information from sources within the United Nations system.

[See chap. II, sect. A, resolution 1991/27 and chap. IX.]

7. Draft universal declaration of indigenous rights

The Commission on Human Rights, noting resolution 1991/30 of 29 August 1991 of the Sub-Commission on prevention of Discrimination and Protection of Minorities, decides to recommend to the Economic and Social Council that the Working Group on Indigenous Populations be authorized to meet for 10 working days prior to the forty-fourth session of the Sub-Commission for the purpose of continuing the substantial progress already made towards the completion of a draft declaration on the rights of indigenous peoples, in consultation with Governments and organizations of indigenous peoples, and to recommend also that the reports of the tenth and future sessions of the Working Group be issued as sales publications and given the widest possible distribution.

[See chap. II, sect. A, resolution 1991/30 and chap. XVI.]

8. Economic and social relations between indigenous peoples and States

The Commission on Human Rights, noting resolution 1991/31 of 29 August 1991 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, recommends to the Economic and Social Council the following draft decision:

"The Economic and Social Council, noting Commission on Human Rights decision 1992/... and resolution 1991/31 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, decides to request United Nations bodies and specialized agencies to ensure that all technical assistance financed or provided by them is compatible with international instruments and standards applicable to indigenous peoples, and for this purpose the Council encourages efforts to promote coordination among agencies of the United Nations system and greater participation of indigenous peoples in the planning and implementation of projects affecting them. The Council also encourages the regional commissions to organize meetings with representative organizations of indigenous peoples within the framework of General Assembly resolution 45/97 of 14 December 1990."

[See chap. II, sect. A, resolution 1991/31 and chap XVI.]

9. Ownership and control of the cultural property of indigenous peoples

The Commission on Human Rights, noting resolution 1991/32 of 29 August 1991 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities decides to recommend to the Economic and Social Council to endorse the appointment of Ms. Erica-Irene Daes as Special Rapporteur to prepare a study of measures which should be taken by the international community to strengthen respect for the cultural property of indigenous peoples, and to request the Secretary-General to provide her with all the assistance she may require for the completion of this task before the conclusion of the International Year for the World's Indigenous Peoples.

[See chap. II, sect. A, resolution 1991/32 and chap. XVI.]

10. Working Group on Contemporary Forms of Slavery

The Commission on Human Rights, noting resolution 1991/34 of 29 August 1991 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities approves the request of the Sub-Commission that:

(a) The Secretary-General send a representative of the Centre for Human Rights to participate in a Council of Europe seminar on trafficking in persons and prostitution to be held in Strasbourg from 25 to 27 September 1991 and to report on the results of this seminar to the Working Group at its seventeenth session;

(b) The Secretary-General reassign to the Working Group a full-time Professional staff member of the Centre for Human Rights, as was the case in the past, to work on a permanent basis to ensure continuity and close coordination within and outside of the Centre for Human Rights on issues relating to contemporary forms of slavery, to prepare documentation well in advance, to facilitate the representation at the Working Group's sessions of the largest possible number of intergovernmental and non-governmental organizations with competence in the fields examined, and to report on the

measures taken for this purpose to the Commission on Human Rights at its forty-eighth session and to the Working Group on Contemporary Forms of Slavery at its seventeenth session;

(c) The Secretary-General designate the Centre for Human Rights as the focal point for the coordination of activities in the United Nations for the suppression of contemporary forms of slavery and report on the measures taken for this purpose to the Commission on Human Rights at its forty-eighth session and to the Working Group on Contemporary Forms of Slavery at its seventeenth session.

(d) The Secretary-General examine the possibility of organizing the sessions of the Working Group on Contemporary Forms of Slavery for eight working days during the months of April or May, in order to avoid overlapping with meetings of other working groups of the Sub-Commission and the burden this places on the Centre for Human Rights, and in view of the impossibility of representatives of Governments and non-governmental organizations attending simultaneous sessions.

[See chap. II, sect. A, resolution 1991/34 and chap. XVII.]

11. Study on problems and causes of discrimination against HIV-infected people or people with AIDS

The Commission on Human Rights, noting decision 1991/109 of 29 August 1991 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities endorses the request of the Sub-Commission to Mr. Luis Varela Quirós, Special Rapporteur, to submit his final report to the Sub-Commission at its forty-fourth session and to request the Secretary-General to give the Special Rapporteur any assistance he might require to accomplish his work.

[See chap. II, sect. B, decision 1991/109 and chap. V.]

12. Study on treaties, agreements and other constructive arrangements between States and indigenous populations

The Commission on Human Rights, noting decision 1991/111 of 29 August 1991 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities endorses the request of the Sub-Commission to Mr. Miguel Alfonso Martínez to prepare a progress report on treaties, agreements and other constructive arrangements between States and indigenous populations for submission to the Working Group on Indigenous Populations at its tenth session and the Sub-Commission at its forty-fourth session, and the request to the Secretary-General to give him all the assistance necessary to allow him to continue his work, in particular to provide for a second study trip to the Achivo de Indias in Seville, Spain, the specialized research assistance required as provided for in past resolutions adopted on this matter and the necessary trips to Geneva for consultations with the Centre for Human Rights.

[See chap. II, sect. B, decision 1991/111 and chap. XVI.]

13. International Year for the World's Indigenous People

The Commission on Human Rights, taking note of decision 1991/112 of 29 August 1991 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, decides to recommend to the Economic and Social Council the following draft decision:

"The Economic and Social Council, noting Commission on Human Rights decision 1992/... of ... and decision 1991/112 of 29 August 1991 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, decides (a) to authorize the participation of Ms. Christy Mbonu in the most relevant international activities which might be foreseen by the General Assembly in connection with the International Year for the World's Indigenous People so that she will be in a position to evaluate the results of the Year pursuant to the request contained in Sub-Commission resolution 1990/29 of 31 August 1990, and (b) to request the Secretary-General to provide Ms. Mbonu with all the assistance she may require to enable her to submit a report to the Sub-Commission at its forty-sixth session."

[See chap. II, sect. B, decision 1991/112 and chap. XVI.]

14. Working group on the methods of work of the Sub-Commission

The Commission on Human Rights, noting decision 1991/117 of 30 August 1991 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and recalling its resolution 1991/56 of 6 March 1991, decides on an exceptional basis to recommend to the Economic and Social Council that the working group on the methods of work of the Sub-Commission be authorized to meet for five working days prior to the forty-fourth session of the Sub-Commission, in order to allow for a thorough review of the methods of work of the Sub-Commission.

[See chap. II, sect. B, decision 1991/117 and chap. IV.]

15. The right to freedom of opinion and expression

The Commission on Human Rights, recalling its resolution 1991/32 of 5 March 1991 in which it welcomed the intention of the Special Rapporteurs, Mr. Danilo Türk and Mr. Louis Joinet, to study in greater detail measures necessary for the strengthening and promotion of the right to freedom of expression, and resolution 1991/39 of 30 August 1991 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the invitation of the Sub-Commission to the Special Rapporteurs to submit a report with recommendations to the Sub-Commission at its forty-fourth session, and recommends the following draft decision to the Economic and Social Council for adoption:

"The Economic and Social Council, noting Commission on Human Rights resolution 1992/... of .. March 1992 approves the invitation to Mr. Danilo Türk and Mr. Louis Joinet to submit to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-fourth session a report with recommendations on the right to freedom of opinion and expression and requests the Secretary-General to extend to them the assistance necessary to fulfil their mandate."

[See chap. II, sect. A, resolution 1991/39 and chap. V.]

C. Sub-Commission resolutions and decisions referring to matters which are drawn to the Commission's attention and which require consideration or action by the Commission

A. Resolutions

1991/2	Measures to combat racism and racial discrimination and the role of the Sub-Commission	operative para. 1
1991/3	Elimination of all forms of intolerance and of discrimination based on religion or belief	operative para. 3
1991/5	Situation of human rights in Guatemala	operative paras. 8 to 9
1991/8	Situation in Cambodia	operative para. 6
1991/9	Situation of human rights in the Islamic Republic of Iran	operative paras. 1 and 4
1991/12	Forced evictions	operative paras. 1 and 2
1991/16	The application of international standards concerning the human rights of detained juveniles	operative para. 4
1991/26	Promoting the realization of the right to adequate housing	operative para. 4
1991/33	International Year for the World's Indigenous People	operative para. 2
1991/34	Report of the Working Group on Contemporary Forms of Slavery	operative paras. 2, 5 and 7

B. Decisions

1991/104	Consideration of communications under Economic and Social Council resolution 1503 (XLVIII)
1991/108	Appeal concerning the civilian population in Iraq
1991/110	Question of the impunity of perpetrators of violations of human rights
1991/113	Programme of action for the prevention of the sale of children, child prostitution and child pornography
1991/114	Right of everyone to leave any country, including his own, and to return to his country

II. RESOLUTIONS AND DECISIONS ADOPTED BY THE SUB-COMMISSION AT ITS FORTY-THIRD SESSION

A. Resolutions

1991/1. Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist regime of South Africa

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1990/3 of 20 August 1990,

Recalling also General Assembly resolutions 39/15 of 23 November 1984, 41/95 of 4 December 1986, 43/92 of 8 December 1988 and 45/84 of 14 December 1990,

Recalling further Economic and Social Council resolution 1991/26 of 31 May 1991,

1. Expresses its appreciation to the Special Rapporteur, Mr. Ahmed Khalifa, for his updated report (E/CN.4/Sub.2/1991/13 and Add.1);

2. Expresses its thanks to all Governments and organizations which supplied the Special Rapporteur with information;

3. Recommends the following draft resolution to the Commission on Human Rights for adoption.

[For the text, see chap. I, sect. A, draft resolution I.]

21st meeting
20 August 1991

[Adopted without a vote. See chap. VI.]

1991/2. Measures to combat racism and racial discrimination and the role of the Sub-Commission

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolutions 1990/1 and 1990/2 of 20 August 1990,

Mindful of General Assembly resolution 45/105 of 14 December 1990, in which the Assembly declared once again that all forms of racism and racial discrimination, particularly in their institutionalized form, such as apartheid, or resulting from official doctrines of racial superiority or exclusivity, were among the most serious violations of human rights in the contemporary world and must be combated by all available means,

Considering that despite the efforts thus far of the international community the principle objectives of the decades to combat racism have not been attained, and that millions of human beings continue to be the victims of varied forms of racism, racial discrimination and apartheid,

Concerned that despite these efforts racism and acts of violence resulting therefrom persist and are even increasing in a number of countries in North America and Europe,

Concerned also that in many parts of the world ethnic, cultural, linguistic, religious and other minorities are suffering from discrimination and discriminatory treatment,

Aware of the growing importance and magnitude of the phenomenon of racism and its consequences for migrant workers, as well as the efforts undertaken by the international community to improve the protection of the human rights of migrant workers and their families, and welcoming in that regard the adoption by the General Assembly of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (resolution 45/158 of 18 December 1990, annex),

Conscious that the scourges of racism and racial discrimination are continually assuming new forms, requiring a periodic re-examination of the methods used to combat them,

Convinced, however, that racism and racial discrimination, in whatever form, are intensified by, inter alia, conflicts over economic resources, in developed as well as in developing countries, and can best be defeated by a combination of economic, legislative and educational measures,

Reaffirming that all human rights and fundamental freedoms, economic, social and cultural, as well as civil and political, are indivisible and interrelated,

Noting, in this regard, Commission on Human Rights resolution 1991/18 of 1 March 1991, in which the Commission requested the Secretary-General to promote coordination between the human rights activities of the United Nations and those of development agencies,

Noting also Commission on Human Rights resolution 1991/11 of 22 February 1991 on the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination,

Recognizing that the activities of the various organizations of the United Nations system should be closely interrelated in order to promote human rights more effectively,

Taking into account the conclusions and suggestions of the Global Consultation on Racism and Racial Discrimination, held at Geneva from 3 to 6 October 1988 (E/1989/48, annex, sect. VII), the conclusions and recommendations of the United Nations Seminar on the Effects of Racism and Racial Discrimination on the Social and Economic Relations between Indigenous

Peoples and States, held at Geneva from 16 to 20 January 1989 (E/CN.4/1989/22, sects. III and IV), and the conclusions and recommendations of the International Seminar on Cultural Dialogue between the Countries of Origin and the Host Countries of Migrant Workers, held at Athens from 18 to 26 September 1990 (E/CN.4/1990/50),

Convinced of the need for the proclamation by the General Assembly of a third decade to combat racism and racial discrimination, to begin in 1993, as a means of intensifying international efforts in this field, particularly through international economic cooperation,

1. Recommends that the General Assembly take appropriate steps in due course to launch a third decade to combat racism and racial discrimination, to begin in 1993;

2. Emphasizes the obligation of the international community to take urgent measures to eradicate apartheid completely and to combat all other forms of racism and racial discrimination, including those practised against indigenous peoples, migrant workers and other vulnerable groups in society;

3. Confirms the importance, in the struggle against racism and racial discrimination, of a complementarity of economic, social, educational and information measures at the national level, including legislative, administrative and penal measures, and of measures taken at the international level;

4. Recognizes the important role that can be played in this regard by the Sub-Commission, as well as the need for more effective coordination between the Centre for Human Rights and organizations of the United Nations system which undertake operational activities for development;

5. Welcomes the efforts of the Committee on the Elimination of Racial Discrimination to fulfil its mandate;

6. Recognizes the importance of activities aimed at directly assisting vulnerable groups to strengthen their participation in national economic, social and political life;

7. Notes with appreciation the holding of a joint meeting of the Committee on the Elimination of Racial Discrimination and the Sub-Commission during the forty-third session of the Sub-Commission;

8. Appeals to all Governments to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families adopted by the General Assembly in its resolution 45/158 of 18 December 1990;

9. Urges all Governments to undertake immediate measures and to develop strong policies effectively to combat racism and eliminate discrimination;

10. Takes note with appreciation of the outline of ways and means necessary to increase the effectiveness of United Nations action to combat racism and racial discrimination (E/CN.4/Sub.2/1991/11) prepared in accordance with the request of the Sub-Commission contained in its resolution 1990/1 of 20 August 1990;

11. Renews its request to the Secretary-General to prepare, on the basis of replies received from Governments, specialized agencies and intergovernmental organizations, as well as from non-governmental organizations, an overview of current trends of racism, discrimination, intolerance and xenophobia affecting the groups referred to in paragraph 2 of the present resolution, as well as of measures taken by Governments against those phenomena and the effects of such measures, and to submit the overview for consideration by the Sub-Commission at its forty-fourth session;

12. Requests the Secretary-General to submit to the Sub-Commission at its forty-fourth session a report on serious incidents attributable to racism, racial discrimination and xenophobia that take place in any part of the world, including the measures taken by the Governments concerned in response to these incidents;

13. Expresses its deep conviction that a special rapporteur of the Sub-Commission should be appointed to update the study on racial discrimination (E/CN.4/Sub.2/370 and Add.1-6 and Add.6/Corr.1) prepared in 1976 by Mr. Hernán Santa Cruz, in the light of recent new trends of racism, racial discrimination and xenophobia in many countries of the world.

21st meeting
20 August 1991
[Adopted without a vote. See chap. VI.]

1991/3. Elimination of all forms of intolerance and of discrimination based on religion or belief

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Conscious of the need to enhance and encourage understanding, tolerance and respect in matters relating to freedom of religion and belief,

Recalling that 1991 marks the tenth anniversary of the proclamation by the General Assembly of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, which provides an opportunity to reinforce efforts aimed at the effective implementation of the Declaration,

Taking into account the successive reports of the Special Rapporteur of the Commission on Human Rights, Mr. Angelo Vidal d'Almeida Ribeiro (E/CN.4/1989/44, E/CN.4/1990/46, and E/CN.4/1991/56), the report of its own Special Rapporteur, Ms. Elizabeth Odio Benito (E/CN.4/Sub.2/1987/26) and the working paper prepared by Mr. Theo van Boven (E/CN.4/Sub.2/1989/32), member of the Sub-Commission,

Recalling its resolution 1989/23 of 31 August 1989 wherein it reaffirmed its willingness and interest to make a further contribution to activities which might be considered by the Commission on Human Rights as a further means of strengthening international efforts to promote and protect the right to freedom of thought, conscience, religion and belief,

1. Reaffirms that freedom of thought, conscience, religion and belief is a right guaranteed to all without discrimination;

2. Deems it important that, with a view to building understanding and respect between people of diverse religions or beliefs, particular weight be given to dialogue, communication and education within and among movements, groups, associations and other constituencies based on religion or belief;

3. Recommends, therefore, to the Commission on Human Rights that due and renewed attention be given to:

(a) The organization, within the programme of advisory services, of a seminar on the interrelationship which exists between the enjoyment of the right to freedom of thought, conscience, religion and belief and the other human rights and fundamental freedoms, taking into account, inter alia, the work carried out by the Committee on the Elimination of Racial Discrimination and the Human Rights Committee in this field;

(b) The organization, in cooperation with the United Nations Educational, Scientific and Cultural Organization, the United Nations University, interested intergovernmental and non-governmental organizations, as well as academic and research institutions, of a global consultation on the positions and approaches of different religions and beliefs to human rights and fundamental freedoms.

21st meeting
20 August 1991
[Adopted without a vote. See chap. XIV.]

1991/4. Situation in South Africa

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling the Declaration on Apartheid and its Destructive Consequences in Southern Africa, adopted by the General Assembly in its resolution S-16/1 of 14 December 1989,

Recalling also Commission on Human Rights resolutions 1989/4 and 1989/5 of 23 February 1989, 1990/26 of 27 February 1990 and 1991/21 of 1 March 1991,

Mindful of General Assembly resolution 33/165 of 20 December 1978 on the status of persons refusing service in military or police forces used to enforce apartheid,

Welcoming the positive developments in South Africa resulting from the policy measures introduced by the Government of South Africa following internal and international pressure,

Welcoming also the accord of 16 August 1991 between the United Nations and the Government of South Africa which opens the way for refugees to return to South Africa and for the release of political prisoners,

Noting in particular the repeal of the pillars of apartheid legislation, such as the Group Areas Act, the Population Registration Act and the Land Acts,

Noting with deep concern that the painful legacies of the Acts and the fundamental basis of apartheid, the undemocratic Constitution, still remain,

Concerned that many political prisoners are still incarcerated, that political trials of some opponents of apartheid still continue and that not all political exiles have been allowed to return,

Gravely concerned at the continued military cooperation between South Africa and some foreign Governments,

Noting also with grave concern the decision by some countries to lift or relax sanctions and other forms of pressure against South Africa when the fundamental question of negotiations and modalities for a non-racial and democratic constitution have not yet been addressed,

Deeply concerned at the recent revelation of the collusion of the Government of South Africa with and its funding of the Inkatha Freedom Movement in order to spread violence in the townships and destabilize other liberation movements,

Conscious of the great courage, perseverence and sacrifices of the people of southern Africa in the face of aggression, occupation and oppression by the Pretoria regime,

Welcoming once again the establishment and launching of the Action for Resisting Invasion, Colonialism and Apartheid Fund (A/41/697-S/18392) at the Eighth Conference of the Heads of State or Government of Non-Aligned Countries,

1. Reaffirms that apartheid is a crime against humanity;

2. Also reaffirms the right of all persons to refuse service in military or police forces when they are used to enforce apartheid;

3. Welcomes the recent introduction of policy measures by the Government of South Africa which have resulted, inter alia, in the repeal of the Group Areas Act, the Population Registration Act and the Land Acts;

4. Strongly condemns the illicit, secret funding by the South African authorities of the Inkatha Freedom Movement as a means of sponsorship of violence in the townships and destabilization of the liberation movements;

5. Reiterates the call contained in the Declaration on Apartheid and its Destructive Consequences in Southern Africa, adopted by the General Assembly in its resolution S-16/1 of 14 December 1989, for, inter alia, the unconditional release of all political prisoners and detainees by the Government of South Africa, the removal of all troops from the townships, the repeal of the remaining legislation designed to circumscribe political activity and the cessation of all political trials and executions;

6. Urges all States to continue to provide, both individually and collectively, moral and material assistance to the oppressed people of South Africa;

7. Appeals to the Government of South Africa not to proceed with the execution of the several opponents of apartheid, including the "Uppington Fourteen", who have been on death row for more than three years;

8. Reiterates its call to the opponents of apartheid in South Africa to form a broad united front and to demonstrate unity of purpose and concerted action for the elimination of apartheid and the establishment of a non-racial, democratic South Africa;

9. Strongly urges the international community to maintain sanctions and other forms of international pressure against the Pretoria regime in order to expedite the creation of conditions conducive to an early start of negotiations for a constitutional transfer of power to a democratic, non-racial Government;

10. Affirms that any relaxation of pressure on South Africa at this time would be a violation of the Declaration on Apartheid and its Destructive Consequences in Southern Africa;

11. Strongly urges those Governments that have recently established or are contemplating the establishment of diplomatic relations and economic ties with South Africa to reconsider their decision;

12. Vigorously condemns all collaboration, particularly in the nuclear, military and economic fields, with the Government of South Africa.

27th meeting
23 August 1991
[Adopted by secret ballot by 20 votes to none, with 1 abstention. See chap. VII.]

1991/5. Situation of human rights in Guatemala

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the Charter of the United Nations and the Universal Declaration of Human Rights,

Recalling its resolution 1990/11 of 30 August 1990,

Taking note of Commission on Human Rights resolution 1991/51 of 6 March 1991 and the report (E/CN.4/1991/5 and Add.1) submitted by Mr. Christian Tomuschat, the expert appointed by the Secretary-General as his representative to consider the situation of human rights in Guatemala and to continue assistance to the Government in that field, and the extension of his mandate in conformity with that resolution,

Noting that the new constitutional Government of Guatemala, on taking power on 14 January 1991, committed itself vis-à-vis the people of Guatemala and the international community to guaranteeing the full validity of human rights and fundamental freedoms, and offered to take immediate and urgent measures to that end,

Taking into account the fact that, although the Government of Guatemala has adopted measures to promote respect for human rights and fundamental freedoms and the functioning of democracy, situations characterized by serious violations by groups linked to security forces persist,

Concerned about the serious shortcomings in economic, social and cultural rights, which particularly affect the indigenous population,

Aware that the situation with regard to refugees and displaced persons within the country who are willing to return to their places of origin, the majority of whom are indigenous inhabitants, requires that the Government of Guatemala intensify its efforts to create the conditions that will enable them to return to their places of origin, with full guarantees of their security and respect for the exercise of their human rights,

Aware also of the need to reinforce the investigation and punishment of the persons responsible for human rights violations, which are giving rise to a climate of impunity,

Noting with appreciation the signing by the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG) in April 1991 of the Mexico Agreement establishing the procedure and agenda for negotiations between the two parties to achieve a political solution to the internal armed conflict, and the fact that due respect for human rights and the rights of the indigenous populations are major items on that agenda,

Encouraged by the fact that, under the guidance of the conciliator appointed with the agreement of both parties and with the representative of the Secretary-General of the United Nations as observer, the meetings convened at Cuernavaca and Querétaro have enabled a general agreement to be reached on steps to consolidate functional and participatory democracy in Guatemala,

1. Takes note of the undertaking by the Government of Guatemala to guarantee the protection of human rights and fundamental freedoms and to exercise the necessary authority to achieve this;

2. Urges the Government of Guatemala to intensify its efforts to ensure that the human rights and fundamental freedoms of its citizens are fully respected by all its authorities and security forces, to adopt and implement

energetic measures to prevent violations of these rights and freedoms, to protect and promote the organizations which safeguard human rights and to investigate violations of human rights;

3. Emphasizes the importance of strengthening the independence of the judicial system as a fundamental condition for effectively protecting human rights and ensuring that the persons responsible for violations are brought to trial and punished, and for complying with national legislation and international agreements;

4. Exhorts the Government of Guatemala to adopt specific measures relating to the situation of the indigenous peoples, taking their proposals and aspirations into account, to enable them fully to enjoy their rights and fundamental freedoms;

5. Urges the Government of Guatemala to initiate a fruitful dialogue with the refugees and displaced persons within the country in order to resolve satisfactorily the problem of their resettlement on Guatemalan territory in conditions of dignity and security;

6. Welcomes the progress in the talks and negotiations which, under the Mexico Agreement, the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG) are holding, through the mediation of the National Conciliator and with the representative of the Secretary-General of the United Nations as observer, and is confident that they will lead to important agreements between the two parties;

7. Recognizes the supreme importance for the strengthening of democracy and the achievement of national reconciliation of the following points of the Querétaro Agreement, signed on 25 July 1991 by the Government of Guatemala and the URNG:

(a) The pre-eminence of civilian society;

(b) The development of democratic institutional life;

(c) The effective functioning of the rule of law;

(d) The permanent elimination of political repression, electoral fraud, vote-rigging, military disturbances and pressure, and anti-democratic destabilizing activities;

(e) Unrestricted respect for human rights;

(f) The subordination of the role of the armed forces to civil authority;

(g) Recognition and respect for the identity and rights of the indigenous peoples;

(h) For all Guatemalans, access to and enjoyment of the benefits of national production and natural resources, to be based on principles of social justice;

(i) The effective resettlement of populations which have been uprooted by the internal armed conflict;

8. Urges the parties concerned in the negotiating process to continue the negotiations in an atmosphere of mutual respect, creating the appropriate conditions for the achievement of national reconciliation and a firm and lasting peace which will reflect the legitimate aspirations of the Guatemalan people;

9. Emphasizes that it is a matter of importance that Mr. Christian Tomuschat, in preparing his expert study of the situation in Guatemala, should pay special attention to the situation of the indigenous peoples;

10. Stresses the need to provide assistance in the field of human rights both to the Government of Guatemala and to the Guatemalan non-governmental organizations that require it.

27th meeting
23 August 1991
[Adopted by secret ballot by 19 votes to 1, with 1 abstention. See chap. VII.]

1991/6. Situation in the Palestinian and other Arab territories occupied by Israel

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights and the two International Covenants on Human Rights, in particular the principles of equal rights and self-determination of all peoples,

Mindful of the principles and humanitarian provisions of the four Geneva Conventions of 1949, of the principles and provisions of international law and of the obligations arising from the Regulations concerning the Laws and Customs of War on Land, annexed to The Hague Convention No. IV of 1907,

Noting that, in accordance with article 1 of the Geneva Conventions of 1949, all States parties to the Conventions have undertaken to respect and to ensure respect for the Conventions under all circumstances,

Recalling all the resolutions of the General Assembly and the Commission on Human Rights condemning the practices of the Israeli occupation authorities in the Palestinian and other Arab territories occupied by Israel, which affirm the applicability of the Fourth Geneva Convention of 12 August 1949 to these territories,

Recalling also the relevant Security Council resolutions, specifically resolutions 605 (1987) of 22 December 1987, 607 (1988) of 5 January 1988, 608 (1988) of 14 January 1988, 636 (1989) of 6 July 1989 and 681 (1990) of 20 December 1990,

Taking note of the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories submitted to the General Assembly and the relevant reports of the International Labour Organisation, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization,

Recalling with concern the press releases issued by the International Committee of the Red Cross in Geneva on 13 January 1988 and on 18 and 19 August 1988 with respect to repeated violations by Israel of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949 and its continuous refusal to apply the provisions of the Convention in the occupied territories,

Reaffirming its previous resolutions in this respect,

Deeply alarmed at the persistent refusal of Israel to respect the Fourth Geneva Convention and to apply it to the Palestinians in the occupied Palestinian territories, and at the systematic and established violations of human rights by Israel over the past 24 years and its persistence in perpetrating acts of killing, wounding and arresting against the Palestinian people and in the deportation and expulsion of Palestinian citizens,

1. Reaffirms that the Israeli occupation of Palestinian and other Arab territories, including Jerusalem, itself constitutes a gross and systematic violation of human rights and further constitutes aggression under international law;

2. Also reaffirms that the continued perpetration by the Israeli occupation authorities of deliberate killing of Palestinians, including children, breaking the limbs of young men and causing grave harm to their physical integrity, subjecting cities, villages and camps to living conditions designed to strangulate and destroy them by imposing curfews and preventing their provision with food and medical supplies, firing gas bombs into houses, mosques, churches and hospitals, thus causing the death of many people by asphyxia, severely beating pregnant women and throwing gas bombs inside their homes, thereby causing them to miscarry, torturing Palestinian detainees, imposing collective punishment and administrative detention upon thousands of Palestinians, expelling and deporting Palestinians from their homeland, confiscating land and establishing Israeli settlements in the occupied Palestinian territories, bringing Jewish immigrants from several parts of the world and settling them on these territories, thus modifying their demographic character, closing schools and universities, desecrating holy places and demolishing houses, all constitute grave violations of international law and the provisions of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;

3. Further reaffirms that the Fourth Geneva Convention is applicable to the Palestinians and to the Palestinian and other Arab territories occupied by Israel, and that the continued disregard and rejection of the provisions of the Convention by Israel constitute gross violations of the principles of international law, and that it is therefore the responsibility of the international community to provide protection for the Palestinian people under Israeli occupation, in accordance with the relevant Security Council resolutions and the provisions of the Fourth Geneva Convention, until the end of the Israeli occupation of the Palestinian and other Arab territories;

4. Calls upon the States parties to the Fourth Geneva Convention to apply article 1 of the Convention, to ensure respect by Israel for the Convention and to secure protection for the Palestinian people under occupation in accordance with articles 9, 10, 11 and 12 of the Convention;

5. Reaffirms once again the right of the Palestinian people to resist the Israeli occupation by all means, in accordance with United Nations resolutions, and affirms that the intifada of the Palestinian people, which began on 8 December 1987, is one such means confirming their determination to liberate their land from the Israeli occupation and to exercise their national rights on their national soil;

6. Also reaffirms the inalienable rights of the Palestinian people to return to their homeland, to self-determination without foreign interference and to establish their independent sovereign State on their national soil, in accordance with resolutions of the General Assembly and of the Commission on Human Rights, and the principle of the right to self-determination of all peoples;

7. Condemns Israel for:

(a) Its gross violations of the rules of international law and of the Fourth Geneva Convention, of 12 August 1949 through the systematic practices mentioned in the present resolution, and calls upon Israel to desist immediately from those practices and to withdraw from the Palestinian and other Arab territories occupied by force, in accordance with the principles of international law and the relevant United Nations resolutions;

(b) Establishing Israeli settlements in the Palestinian and other occupied Arab territories and calls for them to be dismantled and confirms that all measures taken by Israel with the purpose of annexing these territories or altering the political, cultural, religious or other character of Jerusalem and the Palestinian and other Arab territories occupied since 1967 are illegal, null and void;

(c) Its continued occupation of the Syrian Golan and its defiance of the relevant United Nations resolutions, in particular Security Council resolution 497 (1981) of 17 December 1981, and reaffirms that the decision by Israel in 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan is null and void;

(d) The inhuman treatment and terrorist practices in violation of human rights which the Israeli occupation authorities continue to exercise against Syrian Arab citizens in the occupied Syrian Golan for their refusal to carry Israeli identity cards and in order to force them to carry such cards, practices which constitute a flagrant violation of the Fourth Geneva Convention of 12 August 1949, and requests all States and competent international organizations not to recognize any Israeli laws, jurisdiction or administration in respect of the occupied Syrian territory;

8. Reiterates its support for the convening of an international peace conference on the Middle East, under the auspices of the United Nations, in which all parties to the conflict, including the Palestine Liberation Organization, would participate on an equal footing, and with the participation of the permanent members of the Security Council on the basis of Security Council resolution 242 (1967) of 22 November 1967, as well as of all relevant General Assembly resolutions, in particular those that define and confirm the inalienable rights of the Palestinian people, particularly their right to self-determination, and calls for the withdrawal of the Israeli occupation forces from all occupied Palestinian and other Arab territories, including Jerusalem;

9. Confirms that any attempt to solve the Arab-Israeli conflict outside the framework of the above-mentioned international conference or that is not based on the international legitimacy constituted by the principles of international law that govern armed conflicts among countries, as well as the relevant United Nations resolutions on Palestine and the Middle East, will not contribute to solving the real problem, and will maintain the current conflict that threatens the area with continuous wars;

10. Requests the Secretary-General to provide the Sub-Commission, at its forty-fourth session, with an updated list of reports, studies, statistics and other documents relating to the question of Palestine and other occupied Arab territories, with the texts of the most recent relevant United Nations decisions and resolutions and the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and other Arabs of the Occupied Territories, and with all other information relevant to the implementation of the present resolution.

27th meeting
23 August 1991
[Adopted by secret ballot by 16 votes to 2, with 4 abstentions. See chap. VII.]

1991/7. Situation of human rights in Kuwait

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Recalling General Assembly resolution 45/170 of 18 December 1990 concerning the situation of human rights in occupied Kuwait,

Recalling also Commission on Human Rights resolution 1991/67 of 6 March 1991, in which the Commission strongly condemned the Iraqi authorities for their grave human rights violations in occupied Kuwait and decided to appoint a special rapporteur to examine the human rights violations committed in occupied Kuwait, and Economic and Social Council decision 1991/251 of 31 May 1991 approving that decision,

Concerned at allegations relating to specific reports of arbitrary arrests, torture, unfair trials, enforced or involuntary disappearances, deaths in custody and possible extrajudicial executions in Kuwait, as well as deportations and other abuses against non-Kuwaitis since the withdrawal of Iraqi forces,

Expresses its hope that the special rapporteur appointed pursuant to Commission resolution 1991/67 of 6 March 1991 will give due attention to alleged gross violations of human rights currently occurring in Kuwait and will inform the Commission of developments affecting the situation of human rights in Kuwait since the withdrawal of Iraqi forces.

27th meeting
23 August 1991
[Adopted by secret ballot by 16 votes to 4, with 2 abstentions. See chap. VII.]

1991/8. Situation in Cambodia

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and all the international instruments relating to human rights,

Recalling Sub-Commission resolution 11 (XXXI) of 15 September 1978, Security Council resolution 668 (1990) of 20 September 1990 and General Assembly resolution 45/3 of 15 October 1990,

Informed by the reports provided by Mr. Abdelwahab Bouhdiba to the Sub-Commission at its thirty-first and thirty-second sessions,

Convinced that, in Cambodia, respect for the fundamental rights of all persons requires concrete and particular measures,

Convinced also that it is the duty of the international community to prevent the recurrence of genocide in Cambodia,

1. Commends the efforts made by Prince Sihanouk on behalf of the Coalition Government of Democratic Kampuchea, and by Prime Minister Hun Sen on behalf of the Government of the State of Cambodia, to come to a rapprochement, and encourages the Governments that assisted in this process to continue to do so;

2. Welcomes the first results of these efforts: an unlimited cease-fire and a commitment to receive no further foreign military aid;

3. Notes with satisfaction that the Supreme National Council is now functioning so as to embody the independence, the national sovereignty and the unity of Cambodia until free and fair elections can be held;

4. Invites all parties participating in the search for a peaceful settlement and the establishment of a democratic regime, and in particular the five permanent members of the Security Council, to take all necessary preventive measures to avoid conditions that could create for the Cambodian people the risk of new crimes against humanity;

5. Requests that the teaching of human rights to the whole population of Cambodia be organized forthwith, through appropriate channels;

6. Calls upon the Secretary-General to dispatch without delay, to all the provinces of Cambodia and to the refugee camps located in Thailand, a special mission to examine the situation of the population with regard to respect for human rights, to formulate proposals designed to prevent further violations, and to report to the Co-Presidents of the Paris Conference on Cambodia prior to the next meeting of this Conference.

27th meeting
23 August 1991
[Adopted by secret ballot by 14 votes to 4, with 4 abstentions. See chap. VII.]

1991/9. Situation of human rights in the Islamic Republic of Iran

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Noting General Assembly resolution 45/173 of 18 December 1990, Commission on Human Rights resolution 1991/82 of 7 March 1991, resolution 1990/9 of 30 August 1990 of the Sub-Commission and numerous other resolutions of the General Assembly and the Commission on Human Rights,

Having considered the reports of the Special Representative of the Commission on Human Rights, Mr. Reynaldo Galindo Pohl, on the situation of human rights in the Islamic Republic of Iran (A/45/697 and E/CN.4/1991/35), in which he referred to the large number of official executions, the repression prevailing in the country and the gross violations of women's and children's rights,

Noting that Mr. Galindo Pohl was not allowed to visit prisons or to meet prisoners of his choosing,

Deeply concerned at the disregard by the Islamic Republic of Iran of its commitment to allow a delegation of the International Committee of the Red Cross to visit the country, and in particular its prisons, contrary to the strong recommendation of the Special Representative,

Appalled that the number of officially announced executions for the first seven months of 1991 was three times greater than the total for the same period in 1990,

Disturbed at statements made by Iranian judicial officials and at laws advocating the torturing of prisoners and ordinary citizens, and especially at the widespread public flogging of women,

Deeply concerned at the deteriorating human rights situation in the Islamic Republic of Iran since the forty-seventh session of the Commission on Human Rights, in particular the recent arbitrary arrest of thousands of people,

Noting that the situation of the Baha'i community in the Islamic Republic of Iran continues to be a matter of great concern,

Noting also that, in its response to Mr. Galindo Pohl, the Government of the Islamic Republic of Iran stated that he had referred to the assassination of Professor Kazem Rajavi in a manner that tended to allege involvement of the Government and that criminal charges had been pressed in Switzerland against a journalist who had made the same allegation,

Taking note of the verdict of the Geneva Police Tribunal issued on 31 July 1991, which found in favour of the journalist concerned,

1. Expresses its deep concern at the escalating grave violations of human rights in the Islamic Republic of Iran, in particular of the right to life, the right to freedom from torture and from cruel, inhuman and degrading treatment or punishment, the right to liberty and security of person, the right to a fair trial and the right to freedom of thought, conscience, religion and expression, and calls upon the Commission on Human Rights, at its forty-eighth session, to extend the mandate of the Special Representative and the monitoring of the situation of human rights in the Islamic Republic of Iran;

2. Expresses its grave concern at reports of a continuing wave of arrests and executions within the Islamic Republic of Iran and of political assassinations abroad;

3. Expresses its appreciation to the Special Representative for the information contained in his report to the Commission on Human Rights (E/CN.4/1991/35) concerning the assassination of Professor Kazem Rajavi and deplores the apparent direct involvement in the killing of one or more official Iranian services;

4. Requests the Special Representative to include in his next report to the Commission any further information he may have obtained relative to the investigation of this case, taking into account the verdict of the Geneva Police Tribunal of 31 July 1991;

5. Calls upon the Islamic Republic of Iran expeditiously to grant the International Committee of the Red Cross access to the prisons in the country;

6. Requests the Secretary-General to inform the Sub-Commission, at its forty-fourth session, of relevant reports by special rapporteurs or bodies in the field of human rights, as well as of steps that are being taken by the General Assembly, the Economic and Social Council and the Commission on Human Rights to prevent violations of human rights in the Islamic Republic of Iran;

7. Decides to consider the situation of human rights in the Islamic Republic of Iran, including the situation of minority groups such as the Baha'i community, at its forty-fourth session.

27th meeting
23 August 1991
[Adopted by secret ballot by 19 votes to 2, with 1 abstention. See chap. VII.]

1991/10. Situation in Tibet

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles of the Charter of the United Nations, the International Bill of Human Rights and other international instruments in the field of human rights,

Concerned at the continuing reports of violations of fundamental human rights and freedoms which threaten the distinct cultural, religious and national identity of the Tibetan people,

1. Calls upon the Government of the People's Republic of China fully to respect the fundamental human rights and freedoms of the Tibetan people;

2. Requests the Secretary-General to transmit to the Commission on Human Rights information on the situation in Tibet provided by the Government of China and by other reliable sources.

27th meeting
23 August 1991
[Adopted by secret ballot by 9 votes to 7, with 4 abstentions. See chap. VII.]

1991/11. Situation of human rights in El Salvador

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and article 3 common to the Geneva Conventions of 12 August 1949 and Additional Protocol II thereto,

Welcoming the fact that, since 4 April 1990, the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional have been conducting a negotiating process, under the auspices of the Secretary-General, with the aim of ending the armed conflict by political means as soon as possible, promoting the democratization of the country, guaranteeing unrestricted respect for human rights and reunifying Salvadorian society,

Taking into account that, on 26 July 1990 in San José, Costa Rica, the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional adopted a supremely important partial agreement on human rights under which they pledged, inter alia, immediately to take all necessary action and measures to avoid any type of act or practice prejudicial to the life, integrity and freedom of persons, and to identify and punish any persons who continued to perpetrate such acts or practices,

Noting that the parties also agreed, in Mexico City on 27 April 1991, on important reforms to the Constitution in connection with the army, the judicial system, the electoral system and human rights, and further agreed to establish the Truth Commission to investigate serious acts of violence in El Salvador since 1980,

Regretting that the partial agreement on human rights has not been fully implemented and that there has not been substantial progress in the judicial inquiry into and the punishment of those guilty of the murders committed on 16 November 1989 at the Central American University,

1. Welcomes the fact that the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional, in their efforts to resolve the current armed conflict, have concluded an agreement for the verification of human rights obligations as an essential condition for guaranteeing a just and lasting peace;

2. Expresses its satisfaction at the establishment, on 26 July 1991, of the United Nations Observer Mission in El Salvador (ONUSAL) with the initial task, unprecedented in the history of the United Nations, of verifying implementation of the agreement on human rights as part of an integrated peace-keeping operation;

3. Calls upon the competent authorities to take the necessary measures to ensure that substantial progress is made in the judicial inquiry into and the punishment of those guilty of the murders committed on 16 November 1989 at the Central American University;

4. Urges the parties immediately to take the necessary action and measures on which they agreed in order to eradicate violations of human rights and to give their fullest support to the United Nations Observer Mission, providing it with all the facilities that it requires to perform its functions, guaranteeing the security of the members of the Mission and complying promptly with recommendations made to it by the Mission;

5. Urges the parties to continue the negotiations until they reach the necessary agreement to end the armed confrontation as quickly as possible and to establish firm bases for promoting the democratization of the country, guaranteeing unrestricted respect for human rights and reunifying Salvadorian society;

6. Expresses its full support for the work of mediation being undertaken by the Secretary-General and his Personal Representative in promoting a negotiated political solution to the Salvadorian conflict;

7. Decides to consider at its forty-fourth session the situation of human rights in El Salvador, taking account of the development of the human rights situation in that country.

28th meeting
26 August 1991
[Adopted by secret ballot by 18 votes to 1, with 3 abstentions. See chap. VII.]

1991/12. Forced evictions

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its tasks under Commission on Human Rights resolution 8 (XXIII) of 16 March 1967 regarding the question of violation of human rights,

Considering that every woman, man and child has the right to a secure place to live in peace and dignity,

Concerned that, according to United Nations figures, over 1 billion persons throughout the world are homeless or inadequately housed, and that this number is expected to rise,

Recalling the recognition and the legal foundations of the right to adequate housing in, inter alia, the Universal Declaration of Human Rights (art. 25), the International Covenant on Economic, Social and Cultural Rights (art. 11) and the International Convention on the Elimination of All Forms of Racial Discrimination (art. 5),

Recalling also General Assembly resolutions 41/146 of 4 December 1986 and 42/146 of 7 December 1987 and Commission on Human Rights resolutions 1986/36 of 11 March 1986, 1987/22 of 10 March 1987 and 1988/24 of 7 March 1988, all entitled "Realization of the right to adequate housing",

Deeply concerned that forced evictions continue to be carried out in many States and in occupied territories, affecting millions of people annually, and that with the exception of a few special cases, the vast majority of these evictions cannot be justified under human rights law or humanitarian law,

Recognizing that the practice of forced eviction involves the involuntary removal of persons, families and groups from their homes and communities, resulting in the destruction of the lives and identities of people throughout the world, as well as increasing homelessness,

Conscious that Governments often seek to disguise the violence that may be associated with forced evictions by using terms such as "cleaning the urban environment", "urban renewal", "overcrowding" and "progress and development",

Disturbed that forced evictions and homelessness intensify social conflict and inequality and almost invariably affect the poorest and the most socially, economically, ecologically and politically disadvantaged and vulnerable sectors of society, while promoting the interests of more powerful social groups,

Disturbed also that discrimination based on race, ethnic origin, nationality, gender, and social, economic and other status is often the actual motive behind forced evictions,

Conscious that misguided development policies can result in mass forced evictions,

Aware that forced evictions can be carried out, sanctioned, demanded, proposed, initiated or tolerated by a number of actors, including, but not limited to, occupation authorities, national Governments, local governments, developers, planners, landlords, property speculators and bilateral and international financial institutions and aid agencies,

Emphasizing that ultimate responsibility for preventing evictions rests with Governments,

Concerned that eviction policies are frequently premeditated, well-planned actions, often supported by legislation,

Encouraged by the increasing attention given to the issue of evictions by the Committee on Economic, Social and Cultural Rights, notably during its fourth session, at which it was pointed out that housing rights were subject to violation, particularly in the context of evictions,

Also encouraged by recent pronouncements made in the Committee on Economic, Social and Cultural Rights during its fifth session, at which, inter alia, evictions in one country were declared to be incompatible with the right to housing,

1. Draws the attention of the Commission on Human Rights to:

(a) The illegal, null and void character of the establishment of settlements in occupied territories;

(b) The fact that the practice of forced eviction constitutes a gross violation of human rights, in particular the right to adequate housing;

(c) The need for immediate measures to be undertaken at all levels aimed at eliminating the practice of forced eviction;

2. Recommends that the Commission on Human Rights encourage Governments to undertake policy and legislative measures aimed at curtailing the practice of forced eviction, including the conferral of legal security of tenure to those currently threatened with forced eviction, based upon effective consultation and negotiation with affected persons or groups;

3. Emphasizes the importance of the provision of immediate, appropriate and sufficient compensation and/or alternative accommodation, consistent with the wishes and needs of persons and communities forcibly or arbitrarily evicted, following mutually satisfactory negotiations with the affected person(s) or group(s);

4. Decides to review the matter of forced eviction as a gross and consistent pattern of human rights violations affecting large numbers of people and peoples at its forty-fourth session.

28th meeting
26 August 1991
[Adopted without a vote. See chap. VII.]

1991/13. Situation of human rights in Iraq

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Recalling Security Council resolution 688 (1991) of 5 April 1991, in which the Security Council condemned the repression of the Iraqi civilian population in many parts of Iraq, the consequences of which threatened international peace and security, and insisted that the Government of Iraq allow immediate access by international humanitarian organizations to all those in need of assistance in all parts of Iraq,

Taking note of Security Council resolutions 687 (1991) of 3 April 1991, in which it was decided that the prohibitions against the sale or supply to Iraq of products, other than medicine and health supplies, should not apply to foodstuffs or essential civilian supplies, and 706 (1991) of 15 August 1991, whereby a mechanism was established for the purchase of foodstuffs, medicine and materials for essential civilian needs in Iraq,

Recalling also Commission on Human Rights resolution 1991/74 of 6 March 1991, as well as its own resolution 1990/13 of 30 August 1990, on the situation of human rights in Iraq,

Deeply concerned for the lives and safety of hundreds of thousands of Kurdish and Shi'ite Muslims fleeing an unprecedented wave of Government persecution which began in March 1991,

Taking note of the report to the Secretary-General dated 15 July 1991 on humanitarian needs in Iraq prepared by the United Nations Inter-Agency Mission led by Prince Sadruddin Aga Khan, Executive Delegate of the Secretary-General (S/22799), which describes the serious nutritional and health problems facing the civilian population of Iraq,

Recalling the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, in particular article 23 thereof,

Stressing the important and continuing role played by the Memorandum of Understanding between the Government of Iraq and the United Nations signed on 18 April 1991 (S/22663 of 31 May 1991),

1. Expresses grave concern at the flagrant and massive violations of human rights committed by the Government of Iraq, including those against the Kurdish and Shi'ite Muslim populations;

2. Urges the Government of Iraq to ensure full respect for human rights;

3. Calls upon the Government of Iraq to allow unhindered access by international organizations to those in need of assistance and to cooperate with the Special Rapporteur appointed pursuant to Commission on Human Rights resolution 1991/74 of 6 March 1991.

28th meeting
26 August 1991
[Adopted by secret ballot by 16 votes to 2, with 4 abstentions.
See chap. VII.]

1991/14. The right to a fair trial

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1989/27 of 1 September 1989, in which it decided to appoint Mr. Stanislav Chernichenko and Mr. William Treat as rapporteurs to prepare a report on existing international standards and norms pertaining to the right to a fair trial,

Recalling also its resolution 1990/18 of 30 August 1990, in which it took note of the brief report prepared by Mr. Chernichenko and Mr. Treat in accordance with its resolution 1989/27 and decided to entrust them with the preparation of a study entitled "The right to a fair trial: current recognition and measures necessary for its strengthening",

1. Expresses its appreciation of the second report (E/CN.4/Sub.2/1991/29), entitled "The right to a fair trial: current recognition and measures necessary for its strengthening", prepared by Mr. Stanislav Chernichenko and Mr. William Treat, in accordance with its resolution 1990/18;

2. Welcomes the recommendations contained in section V of that report;

3. Requests Mr. Chernichenko and Mr. Treat to continue the preparation of their study on the right to a fair trial: current recognition and measures necessary for its strengthening;

4. Recommends the following draft resolution to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. A, draft resolution II.]

33rd meeting
28 August 1991
[Adopted without a vote. See chap. XI.]

1991/15. Habeas corpus

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling Commission on Human Rights resolution 1991/34 of 5 March 1991, in which the Commission invited the Sub-Commission to consider the question of the effectiveness of habeas corpus and similar remedies during states of emergency and to formulate suggestions thereon,

Recalling further the draft declaration on the protection of all persons from enforced or involuntary disappearances (E/CN.4/Sub.2/1990/32, annex) adopted by the Sub-Commission in its resolution 1990/33 of 31 August 1990 and, in particular, article 9 thereof, which provides that States shall ensure under all circumstances, including emergencies, the right to an effective

judicial remedy, including habeas corpus, as a means of determining the whereabouts or the state of health of persons deprived of their liberty and/or identifying the authority ordering or carrying out the deprivation of liberty,

Having considered the draft guidelines for the development of legislation on states of emergency contained in the report of the Special Rapporteur on human rights and states of emergency (E/CN.4/Sub.2/1991/28, annex I) and in particular section 8 thereof, which provides that "No person deprived of liberty ... shall be denied ... the right to challenge the legality of the deprivation of liberty before a court of law by habeas corpus or other prompt and effective remedy",

Having also considered the recommendations of its Working Group on Detention (E/CN.4/Sub.2/1991/27),

Recommends the following draft resolution to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. A, draft resolution III.]

33rd meeting
28 August 1991
[Adopted without a vote. See chap. XI.]

1991/16. The application of international standards concerning the human rights of detained juveniles

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1989/31 of 1 September 1989 in which, inter alia, it decided to appoint Ms. Mary Concepción Bautista to prepare a report, without financial implications, on the application of international standards concerning the human rights of detained juveniles, in particular the separation of juvenile and adult offenders in penal institutions, detention pending trial, least possible use of institutionalization and the objectives of institutional treatment,

Welcoming the adoption by the General Assembly of two important new instruments concerning juveniles in conflict with the law, the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines) (resolution 45/112 of 14 December 1990, annex) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (resolution 45/113 of 14 December 1990, annex),

Mindful of General Assembly resolution 45/113 of 14 December 1990, in which it urged all relevant bodies of the United Nations system and all concerned governmental and non-governmental organizations to collaborate with the Secretary-General and to take the necessary measures to ensure a concerted and sustained effort to promote the application of the Rules for the Protection of Juveniles Deprived of their Liberty,

Noting with appreciation the report submitted by the Special Rapporteur pursuant to its resolution 1990/21 of 30 August 1990 (E/CN.4/Sub.2/1991/24), as well as the note submitted by the Special Rapporteur containing a study prepared by Defence for Children International (E/CN.4/Sub.2/1991/50),

Recognizing that violations of the basic human rights of detained juveniles are distressingly common in many countries throughout the world,

Concerned that, because of the great vulnerability of juveniles to various forms of abuse, neglect and injustice and the profound and indelible impact of such traumatic experiences on their developing personalities, violations of the human rights of detained juveniles have serious and far-reaching consequences for the juveniles concerned and for society,

1. Urges all Governments that have not yet done so to review their legislation and practices with a view to ensuring compatibility with recently adopted international standards concerning the rights of children and juvenile justice, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty and, as appropriate, the Convention on the Rights of the Child, with the active participation of concerned community, professional and human rights organizations;

2. Requests the Special Rapporteur, Ms. Mary Concepción Bautista, to submit to the Sub-Commission, at its forty-fourth session, an updated report containing further information concerning successful efforts to implement international standards, observations relating to practices that are not compatible with relevant international standards, and recommendations concerning measures that should be taken by States and the international community to increase effective recognition and protection of the rights of detained juveniles;

3. Also requests the Special Rapporteur, in the preparation of the updated report, to take into account any additional information and observations she may receive from States, competent intergovernmental bodies and non-governmental organizations;

4. Further requests the Secretary-General to explore the feasibility of organizing a meeting of experts under the auspices of the Centre for Human Rights, the United Nations Children's Fund and the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs on the application of international standards concerning the human rights of detained juveniles, in order that the results of the meeting may be used by the Special Rapporteur in the preparation of the updated report.

33rd meeting
28 August 1991
[Adopted without a vote. See chap. XI.]

1991/17. Violations of the human rights of staff members and other persons acting under the authority of the United Nations

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Gravely concerned that a significant number of staff members and other persons acting under the authority of the United Nations have been, over the years, detained, unaccounted for or subjected to other violations of their fundamental rights in contravention of the Charter of the United Nations and other international instruments,

Recalling the relevant resolutions on this subject, in particular General Assembly resolutions 42/219 of 21 December 1987, 43/225 of 21 December 1988, 44/186 of 19 December 1989 and 45/240 of 21 December 1990, Commission on Human Rights resolutions 1989/28 of 6 March 1989, 1990/31 of 2 March 1990 and 1991/37 of 5 March 1991 and Sub-Commission resolutions 1987/21 of 3 September 1987, 1988/9 of 31 August 1988, 1989/30 of 1 September 1989 and 1990/20 of 30 August 1990,

Recalling further the recommendations of the Administrative Committee on Coordination adopted in 1987,

Deploring the persistence of violations of the fundamental rights of staff members and other persons acting under the authority of the United Nations and the continuous threats against their security and independence, in spite of these resolutions,

Conscious that such human rights violations can only have a negative effect on the implementation of the mandates of the United Nations, especially at a time when the Organization is being called upon to undertake greater responsibilities in various parts of the world,

Noting with grave concern that, according to reliable reports, the health of detained officials has in some cases seriously deteriorated during their period of detention,

Preoccupied by the inordinate delays which different organizations of the United Nations system face when trying to exercise fully the right of functional protection of their staff members,

Greatly appreciating the efforts of the Secretary-General to promote the satisfactory resolution of all cases of this kind, and noting that these efforts have already produced results to ensure the security of international civil servants or to settle in a satisfactory way some cases,

Welcoming the recent liberation in Ethiopia of Mr. Tesfamariam Zeggae and Mrs. Ghennet Mebrahtu, staff members of the Economic Commission for Africa and the World Health Organization, respectively,

Noting with regret the limited number of replies received by the Special Rapporteur from Governments and organizations of the United Nations system,

1. Again urges Governments and other entities holding de facto territorial power to respect and to ensure respect for the rights of staff members and others acting under the authority of the United Nations, and their families;

2. Requests the Secretary-General to redouble his efforts to ensure that the human rights and privileges and immunities of the personnel of the United Nations system and their families, as well as of experts and consultants, are fully respected;

3. Urges Governments and other entities holding de facto territorial power to allow physicians to investigate cases in which the health of the personnel of the United Nations system and their families and of experts and consultants being detained is reported to have suffered, and to permit them to receive necessary medical treatment through a physician agreed upon by the United Nations, inasmuch as possible of their own choosing;

4. Also urges Governments and other entities holding de facto territorial power to provide adequate and prompt information concerning the arrest or detention of United Nations staff members and their families in accordance with the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment adopted by the General Assembly in resolution 43/173 of 9 December 1988, and to grant the representative of the competent international organization access to them without delay;

5. Calls upon Governments and other entities detaining personnel of the United Nations system to allow the representative of the competent international organization to attend any hearing concerning them and their families;

6. Appeals once again to member States, to the Secretary-General, and to the heads of secretariat of the specialized agencies, including the International Atomic Energy Agency and the General Agreement on Tariffs and Trade, who have not yet done so, to communicate all information concerning cases of arrest, detention or abduction of officials of the United Nations or the specialized agencies since 1980, in order to enable the Special Rapporteur, Ms. Mary Concepción Bautista, to complete the mission assigned to her;

7. Expresses its appreciation to Ms. Bautista for the work she has done so far and invites her to continue her study in order to submit to the Sub-Commission, at its forty-fourth session, a final report which will include practical recommendations for measures to improve on a long-term basis the protection of personnel of the United Nations system and their families, as well as of experts and consultants.

33rd meeting
28 August 1991
[Adopted without a vote. See chap. XI.]

1991/18. Question of human rights and states of emergency

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling Commission on Human Rights resolution 1983/18 of 22 February 1983, in which the Commission requested the Sub-Commission to give further consideration to the study on the implications for human rights of situations known as states of siege or emergency, submitted by Mrs. Nicole Questiaux (E/CN.4/Sub.2/1982/15),

Recalling further that in the same resolution the Commission on Human Rights requested the Sub-Commission to propose measures designed to ensure the respect throughout the world of human rights and fundamental freedoms in situations where states of siege or emergency existed, especially of the rights referred to in article 4, paragraph 2, of the International Covenant on Civil and Political Rights, which prohibits derogation from certain rights even in time of public emergency,

Recalling Economic and Social Council resolution 1985/37 of 30 May 1985 and Sub-Commission resolution 1983/28 of 6 September 1983 concerning the question of human rights and states of emergency,

Recalling that in its resolution 1985/32 of 30 August 1985 it requested the Special Rapporteur, Mr. Leandro Despouy, to draw up and update a list of countries which proclaimed or terminated a state of emergency each year and to prepare an annual report containing reliably attested information on compliance with the rules, national and international, guaranteeing the legality of the introduction of a state of emergency,

Recalling Commission on Human Rights resolution 1991/34 of 5 March 1991, in which the Sub-Commission was invited, inter alia, to consider the question of the effectiveness of habeas corpus and similar remedies during states of emergency and to formulate suggestions thereon,

Having noted, at its thirty-eighth, thirty-ninth, fortieth, forty-first, forty-second and forty-third sessions, the importance for the effective enjoyment of human rights of the principles concerning respect for the rules, national and international, guaranteeing the legality of the introduction of a state of emergency,

Noting with interest the usefulness attributed by several speakers to the provision by the Special Rapporteur and the secretariat of technical assistance to States requesting it under the United Nations programme of advisory services in the field of human rights,

Having noted the need to strengthen the observance of all the non-derogable human rights, as well as the legal guarantees enabling a remedy to be sought from the competent authorities,

Having noted also that, in some circumstances, such as situations of war, armed conflict or internal unrest, emergency measures are taken without a state of emergency being officially proclaimed and that such measures have an impact on human rights which warrants thorough study by the Special Rapporteur,

Noting, in addition, the increased cooperation of Governments with the Special Rapporteur and the need to continue to analyse the information received by the Special Rapporteur with the greatest care,

Stressing the importance for the Special Rapporteur to use all reliable information for updating his annual reports, including the information which is available in relevant databases,

1. Expresses its deep appreciation to the Special Rapporteur, Mr. Leandro Despouy, for his fourth annual report and the list of States which, since 1 January 1985, have proclaimed, extended or terminated a state of emergency (E/CN.4/Sub.2/1991/28) and, in particular, for the draft guidelines for the development of legislation on states of emergency (annex I);

2. Also expresses its appreciation to Governments, competent United Nations bodies, specialized agencies, regional intergovernmental organizations and non-governmental organizations in consultative status with the Economic and Social Council that have submitted information and comments on the question of human rights and states of emergency;

3. Invites Governments, competent United Nations bodies, specialized agencies, regional intergovernmental organizations and non-governmental organizations in consultative status with the Economic and Social Council to provide further information to the Special Rapporteur;

4. Invites Governments to limit the introduction of states of emergency, particularly in the case of internal unrest, exclusively to situations sufficiently serious and exceptional to justify them, in order to avoid making the use of states of emergency commonplace and thus, possibly, perpetuating them;

5. Recognizes the fundamental importance of the existence in each country of specific and effective national legislation enabling such situations to be dealt with in a manner that conforms to international norms, invites Governments that have not yet done so to consider the adoption of internal legislation consistent with the requirements of international instruments concerning states of emergency and requests the Special Rapporteur to continue his work with the aim of submitting to the Sub-Commission draft standard provisions on emergency situations, including situations of internal unrest;

6. Requests the Secretary-General, under the United Nations programme of advisory services in the field of human rights, to give consideration to the technical assistance that might be furnished by the Special Rapporteur or by the secretariat to States requesting it;

7. Invites the Special Rapporteur to continue the work with which he has been entrusted and to submit to the Sub-Commission, at its forty-fourth session, the next annual report and list updated on the basis of the information received and to update his present report so that the Commission on Human Rights, at its forty-eighth session, will have before it the most recent and accurate information available;

8. Requests the Special Rapporteur to continue and complete work on the draft guidelines for the development of legislation on states of emergency and, in particular, to examine the question of non-derogable rights;

9. Requests the Secretary-General to transmit the updated report of the Special Rapporteur, as soon as he receives it, to Mr. Louis Joinet and Mr. Rafael Rivas Posada and requests these two experts to study the report with a view to making comments thereon at the forty-fourth session of the Sub-Commission, without prejudice to the right of other members of the Sub-Commission to advance their own comments and suggestions with respect to the said report;

10. Encourages the Special Rapporteur to undertake contacts and consultations with appropriate technical institutions and experts with a view to facilitating the receipt, storage and retrieval of information relating to his mandate;

11. Requests the Secretary-General to give the Special Rapporteur all the assistance he may require in order to enable him to carry out his work successfully and, in particular, to respond in an effective way to the information submitted to him;

12. Decides to examine the updated report and list transmitted by the Special Rapporteur as a matter of priority under agenda item 10 (b), entitled "Question of human rights and states of emergency";

13. Recommends the following draft decision to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. B, draft decision 1.]

33rd meeting
28 August 1991
[Adopted without a vote. See chap. XI.]

1991/19. Human rights and disability

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling that article 2 of the Universal Declaration of Human Rights, which provides that everyone is entitled to all the rights and freedoms set forth in the Declaration, without distinction of any kind, such as race,

colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, applies also to disabled persons,

Recalling the International Covenants on Human Rights and the Declaration on Social Progress and Development, adopted by the General Assembly in its resolution 2542 (XXIV) of 11 December 1969,

Noting that the adoption by the General Assembly of the Declaration on the Rights of Mentally Retarded Persons (resolution 2856 (XXVI) of 20 December 1971) and of the Declaration on the Rights of Disabled Persons (resolution 3447 (XXX) of 9 December 1975) were the beginnings of a new multilateral concern with disability,

Recalling the proclamation by the General Assembly of 1981 as International Year for Disabled Persons (resolution 31/123 of 16 December 1976), the theme of which was later expanded to "Full participation and equality" (resolution 34/154 of 17 December 1979), which led to the adoption by the General Assembly of the World Programme of Action concerning Disabled Persons (resolution 37/52 of 3 December 1982),

Bearing in mind Commission on Human Rights resolution 1984/31 of 12 March 1984 and Economic and Social Council resolution 1984/26 of 24 May 1984, concerning which many valuable comments were made by members of the Sub-Commission, Governments, specialized agencies and non-governmental organizations,

Recalling its resolution 1984/20 of 29 August 1984, in which it decided to appoint Mr. Leandro Despouy as Special Rapporteur to prepare a comprehensive study on human rights and disability,

Having considered the final report (E/CN.4/Sub.2/1991/31) submitted by the Special Rapporteur to the Sub-Commission at its forty-third session,

Noting that the report contains a thorough analysis of the normative content of the human rights of disabled persons, as well as an examination of their implementation,

Expressing its satisfaction at the recommendations and proposals submitted to the Sub-Commission by the Special Rapporteur with a view to encouraging States and intergovernmental organizations to undertake concrete measures to guarantee to the disabled the full enjoyment of their human rights,

1. Expresses its appreciation to the Special Rapporteur, Mr. Leandro Despouy, for his profound and comprehensive study on human rights and disability and for being open to all comments;

2. Welcomes the recommendations contained in his final report (E/CN.4/Sub.2/1991/31), in particular those relating to the implementation of the human rights of disabled persons;

3. Recommends the following draft resolution to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. A, draft resolution IV.]

33rd meeting
28 August 1991
[Adopted by 23 votes to none. See chap. XIII.]

1991/20. Human rights and youth

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1985/12 of 29 August 1985 and Commission on Human Rights resolution 1987/44 of 10 March 1987,

1. Expresses its appreciation to the Special Rapporteur, Mr. Dumitru Mazilu, for his progress report on human rights and youth (E/CN.4/Sub.2/1991/42);

2. Expresses also its thanks to all Governments and non-governmental organizations that supplied the Special Rapporteur with relevant information;

3. Recommends the following draft resolution to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. A, draft resolution V.]

33rd meeting
28 August 1991
[Adopted without a vote. See chap. XVIII.]

1991/21. Protection of minorities

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination,

Reaffirming that all Governments have an obligation to promote and protect the human rights of all, without distinction as to race, colour, sex, language, religion, political or other opinion, national or social origin, property or birth,

Recalling its resolution 6 (XXX) of 31 August 1977, in which it appealed to those countries having Roma (gypsies) living within their borders to accord to them, if they had not yet done so, all the rights enjoyed by the rest of the population,

Aware of the fact that, in many countries, various obstacles exist to the full realization by persons belonging to the Roma community of their civil, political, economic, social and cultural rights and that such obstacles constitute discrimination directed specifically against that community, rendering it particularly vulnerable,

Recalling also its resolution 1990/2 of 20 August 1990, in which it expressed deep concern at the signs of an upsurge of racism, with accompanying manifestations of prejudice, discrimination, intolerance and xenophobia in many parts of the world directed against ethnic, national, religious and linguistic minorities, and stated its firm determination to do its utmost to contribute to eradicating these dangerous manifestations,

Concerned at the existence of these manifestations against the Roma community,

Convinced of the need to facilitate the solution, by peaceful and constructive means, of problems in which minorities are involved and, consequently, of the importance of timely warning and action,

Aware of the particularly vulnerable situation of the Roma community,

Recommends to the Commission on Human Rights the following draft resolution for adoption:

[For the text, see chap. I, sect. A, draft resolution VI.]

33rd meeting
28 August 1991
[Adopted without a vote. See chap. XIX.]

1991/22. Possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolutions 1988/36 of 1 September 1988, 1989/44 of 1 September 1989 and 1990/5 of 23 August 1990,

Expressing great concern that throughout the world serious problems are arising from interethnic and intergroup conflicts involving, in particular, minorities,

Convinced that the Sub-Commission can best contribute to preventing large-scale human rights problems in situations involving minorities by studying and proposing positive measures for the protection of minorities and for the peaceful and constructive solution of problems concerning them within the States in which they live,

Having considered the preliminary report submitted by the Special Rapporteur, Mr. Asbjørn Eide, at its forty-third session (E/CN.4/Sub.2/1991/43),

1. Expresses its appreciation to the Special Rapporteur for his informative, concise and useful report;

2. Endorses the guidelines proposed by the Special Rapporteur contained in section I B of that report;

3. Affirms the need to assign high priority and adequate resources to the collection and evaluation of relevant information;

4. Requests the Secretary-General to transmit a reminder with the questionnaire annexed to his progress report (E/CN.4/Sub.2/1990/46) to Governments, specialized agencies, regional intergovernmental organizations and non-governmental organizations to provide their comments, views and relevant information, if they have not yet done so;

5. Also requests the Secretary-General to prepare, with the cooperation of the Special Rapporteur, the technical meeting of experts on minorities provided for in Commission on Human Rights resolution 1991/62, with a view to it taking place in 1992;

6. Authorizes the Special Rapporteur to visit three States, in different continents, in which minorities problems occur and to communicate directly with Governments and minorities in those States in order to gain first-hand information;

7. Requests the Special Rapporteur, in updating his report, to take into consideration the views expressed and the comments made by members of the Sub-Commission and the replies submitted by Governments, specialized agencies and intergovernmental and non-governmental organizations;

8. Also requests the Special Rapporteur to submit an updated report to the Sub-Commission at its forty-fourth session and his final report to the Sub-Commission at its forty-fifth session;

9. Requests the Secretary-General to give the Special Rapporteur all the assistance he may require to enable him to carry out his work successfully.

33rd meeting
28 August 1991
[Adopted without a vote. See chap. XIX.]

1991/23. Traditional practices affecting the health of women and children

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1989/16 of 31 August 1989, in which it recommended to the Commission on Human Rights: that the mandate of the Special Rapporteur, Ms. Halima Embarek Warzazi, be extended for two years so as to enable her to present a more complete report; that field missions be undertaken by Ms. Warzazi, if possible to two countries where harmful traditional practices are prevalent; that international regional seminars be held on the subject of harmful traditional practices in Africa and Asia; and that the subject of traditional practices be maintained on the agenda of the Sub-Commission for sustained follow-up,

Recalling also Commission on Human Rights decision 1990/109 of 5 March 1990 approving the above recommendations,

Having studied with interest the final report of the Special Rapporteur (E/CN.4/Sub.2/1991/6), as well as the report of the regional seminar held in Burkina Faso from 29 April to 3 May 1991 (E/CN.4/Sub.2/1991/48),

Expressing its appreciation to the Special Rapporteur for her valuable report on traditional practices affecting the health of women and children,

Mindful of the growing awareness that the persistence of traditional practices adversely affecting the health of women and children, such as female genital mutilation, preference for male children and nutritional taboos, represents a gross violation of human rights,

Recognizing the important work accomplished in this domain by concerned non-governmental organizations,

Noting that States parties to the Convention on the Rights of the Child are enjoined to take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children,

Convinced that the work to promote and advance the principles contained in the International Bill of Human Rights and other international human rights instruments cannot succeed without the full enjoyment by women of all the human rights enshrined therein and full respect for those rights,

1. Recommends:

(a) That the subject of harmful traditional practices affecting the health of women and children be maintained on the agenda of the Sub-Commission in so far as they constitute violations of human rights within the meaning of the relevant instruments of the International Bill of Human Rights and many other international conventions, in particular the Convention on the Rights of the Child;

(b) That the mandate of the Special Rapporteur, Ms. Halima Embarek Warzazi, be extended for two years so as to enable her to submit to the Sub-Commission at its forty-fifth session a plan of action for the elimination of harmful traditional practices affecting the health of women and children, and a report on the regional seminar which will take place in Asia;

(c) That the Centre for Human Rights provide a full-time Professional staff member to follow up the question of traditional practices affecting the health of women and children, and to liaise with Governments, United Nations agencies and regional commissions, non-governmental organizations and other concerned institutions, with special emphasis on gathering data from the many organizations currently working to eliminate harmful traditional practices;

(d) That the Centre for Human Rights provide all the assistance that the Special Rapporteur may require in the exercise of the mandate entrusted to her by the present resolution;

2. Recommends the following draft decision to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. B, draft decision 3.]

35th meeting
29 August 1991
[Adopted without a vote. See chap. V.]

1991/24. Human rights and the environment

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its decision 1989/108 of 31 August 1989, in which it requested Ms. Fatma Zohra Ksentini to prepare a concise note setting forth the methods by which a study on human rights and the environment could be undertaken, and Commission on Human Rights resolution 1990/41 of 6 March 1990 welcoming that decision,

Recalling also its resolution 1990/7 of 30 August 1990, in which it entrusted Ms. Ksentini, as Special Rapporteur, with the task of undertaking a study on human rights and the environment,

Recalling further Commission on Human Rights resolution 1991/44 of 5 March 1991 endorsing the decision of the Sub-Commission, and Economic and Social Council decision 1991/244 of 31 May 1991, approving that endorsement of the appointment of Ms. Ksentini as Special Rapporteur to prepare a study on human rights and the environment,

1. Takes note with appreciation of the preliminary report on human rights and the environment (E/CN.4/Sub.2/1991/8), submitted by Ms. Ksentini in accordance with Sub-Commission resolution 1990/7, of 30 August 1990, Commission on Human Rights resolution 1991/44 of 5 March 1991 and Economic and Social Council decision 1991/244 of 31 May 1991;

2. Requests Ms. Ksentini to prepare for the Sub-Commission, at its forty-fourth session, a progress report on human rights and the environment, taking into account the comments made in the discussion on her preliminary report at its forty-third session;

3. Reiterates the recommendation contained in Commission on Human Rights resolution 1991/44 of 5 March 1991 that Ms. Ksentini be invited to participate as an observer at the United Nations Conference on Environment and Development, to be held in Brazil in 1992;

4. Requests the Secretary-General to provide the Special Rapporteur with all the information and documentation from the Preparatory Committee for the 1992 Conference on Environment and Development which could be relevant to her study;

5. Requests the Secretary-General to invite Governments, United Nations organizations, specialized agencies, intergovernmental and non-governmental organizations, and indigenous peoples' organizations to provide the Special Rapporteur with information relevant to the preparation of her report;

6. Requests the Secretary-General to provide the Special Rapporteur with all the assistance that she requires for the preparation of her study, and the necessary assistance to compile and analyse the information and documents collected;

7. Decides to consider the progress report at its forty-fourth session under the agenda item entitled "Review of further developments in fields with which the Sub-Commission has been concerned".

35th meeting
29 August 1991
[Adopted without a vote. See chap. V.]

1991/25. The right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1989/13 of 31 August 1989, in which it decided to entrust Mr. Theo van Boven with the task of undertaking a study concerning the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms,

Recalling also Commission on Human Rights resolution 1990/35 of 2 March 1990 and Economic and Social Council resolution 1990/36 of 25 May 1990, authorizing the Sub-Commission to entrust Mr. van Boven with the task of preparing his study,

Recalling further its resolution 1990/6 of 30 August 1990, in which it requested the Special Rapporteur to prepare for the Sub-Commission, at its forty-third session, a progress report on the subject matter,

1. Takes note with appreciation of the progress report (E/CN.4/Sub.2/1991/7) submitted by the Special Rapporteur, Mr. Theo van Boven, pursuant to its resolution 1990/6;

2. Requests the Special Rapporteur to continue his study concerning the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms, taking into account, inter alia, the comments made in the discussion on the preliminary and progress reports, as well as relevant developments in the area of crime prevention and control;

3. Also requests the Special Rapporteur to submit to the Sub-Commission, at its forty-fourth session, a second progress report containing additional information on and an analysis of relevant decisions and views of international human rights organs, as well as information on and an analysis of national law and practice, and to submit to the Sub-Commission, at its forty-fifth session, a final report which should include a set of conclusions and recommendations;

4. Further requests the Secretary-General to provide the Special Rapporteur with all the assistance he requires to carry out his study.

35th meeting
29 August 1991
[Adopted without a vote. See chap. V.]

1991/26. Promoting the realization of the right to adequate housing

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Welcoming the analysis of the situation with respect to the right to adequate housing contained in the progress report prepared by Mr. Danilo Türk, the Special Rapporteur on the realization of economic, social and cultural rights (E/CN.4/Sub.2/1990/19),

Welcoming also the increased attention paid to this right by the Committee on Economic, Social and Cultural Rights at its 1990 sessions and the recently adopted revised guidelines regarding the form and contents of reports to be submitted by States parties under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights (see E/1991/23), which now much more effectively address the issue of the right to adequate housing,

Deeply concerned that over one billion people do not enjoy their right to adequate housing and that in many States the number of homeless and inadequately housed people is increasing,

Considering that in spite of the numerous international instruments including the Universal Declaration of Human Rights and the Covenant on Economic, Social and Cultural Rights, virtually no analytical work has been carried out on the right to adequate housing by United Nations human rights bodies,

Concerned that both the obligations and the entitlements inherent in the right to adequate housing remain unclear and unspecified in terms of the law,

Recalling General Assembly resolutions 41/146 of 4 December 1986 and 42/146 of 7 December 1987, Economic and Social Council resolutions 1986/41 of 23 May 1986 and 1987/62 of 29 May 1987, and Commission on Human Rights resolutions 1986/36 of 12 March 1986, 1987/22 of 10 March 1987 and 1988/24 of 7 March 1988, each entitled "Realization of the right to adequate housing",

Considering that the Committee on Economic, Social and Cultural Rights, at its fourth session, expressly stated that housing rights could be subject to violation, especially in the context of evictions (E/1990/23, para. 285 (i)),

Aware that no State can claim to have fully realized the right to adequate housing for all its inhabitants,

Recognizing that non-governmental and community-based organizations have made a useful contribution in the field of housing rights,

Aware of the many national and local campaigns for housing rights in countries throughout the world,

Convinced that it can play a useful and constructive role in promoting the recognition of the right to adequate housing,

1. Affirms the need for additional human rights activities leading towards the full realization of the right to adequate housing for everyone;

2. Urges all States to pursue effective policies and adopt legislation aimed at ensuring the realization of the right to adequate housing of the entire population, concentrating on those currently homeless or inadequately housed;

3. Requests the United Nations Centre for Human Rights to compile and publish a "Human rights fact sheet" on the right to adequate housing;

4. Entrusts Mr. Rajindar Sachar with producing, without financial implications, a working paper on the right to adequate housing, with a view to determining how best to further both the recognition and the enforcement of this right;

5. Requests Mr. Sachar to examine, in the working paper, the utility of adopting an international declaration or convention on the right to adequate housing, and also to examine the specific contents of this right;

6. Encourages Mr. Sachar to consult and use the widest possible variety of sources in the preparation of this working paper, in particular non-governmental organizations working in the area, including those not currently in consultative status with the Economic and Social Council;

7. Requests Mr. Sachar to submit the working paper to the Sub-Commission, at its forty-fourth session, for its examination of, inter alia, how most effectively to proceed on issues concerning the human right to adequate housing.

35th meeting
29 August 1991
[Adopted without a vote. See chap. IX.]

1991/27. Realization of economic, social and cultural rights

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Mindful that the Universal Declaration of Human Rights provides that all persons are entitled to the realization of the economic, social and cultural rights which are indispensable to their dignity and the free development of their personality,

Convinced that, in accordance with the Universal Declaration of Human Rights, the Proclamation of Tehran and General Assembly resolution 32/130 of 16 December 1977, equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights,

Concerned that the implementation and promotion of economic, social and cultural rights and the obstacles to their realization have not yet received sufficient attention within the framework of the United Nations system,

Concerned at the negative effects of structural adjustment programmes upon the realization of economic, social and cultural rights,

Recalling Commission on Human Rights, resolution 1991/18 of 1 March 1991 inviting the Special Rapporteur on the realization of economic, social and cultural rights, Mr. Danilo Türk, when preparing a progress report, to give priority to identifying practical strategies to promote for everyone the economic, social and cultural rights contained in the International Covenant on Economic, Social and Cultural Rights, paying particular attention to the most vulnerable and disadvantaged,

Recalling also Commission on Human Rights resolution 1991/13 of 22 February 1991 inviting Governments to provide the Special Rapporteur with their comments and information concerning the impact of economic adjustment policies on the enjoyment of human rights,

Welcoming the initial contacts made by the Special Rapporteur with international financial institutions, including the World Bank and the International Monetary Fund,

Taking note of the Human Development Report 1991 of the United Nations Development Programme and the World Development Report 1991 of the World Bank,

Having examined with appreciation the working paper prepared by the Special Rapporteur on the forthcoming expert seminar on economic and social indicators and their use in monitoring the realization of economic, social and cultural rights (E/CN.4/Sub.2/1991/WP.3),

1. Expresses its appreciation to the Special Rapporteur, Mr. Danilo Türk, for his second progress report on the realization of economic, social and cultural rights (E/CN.4/Sub.2/1991/17), and endorses the preliminary recommendations contained in paragraphs 229-236, in particular concerning the desirability of drafting basic policy guidelines on structural adjustment and economic, social and cultural rights;

2. Urges the international and financial institutions, in particular the World Bank and the International Monetary Fund, to take greater account of the adverse impacts of their policies and programmes of structural adjustment on the realization of economic, social and cultural rights;

3. Encourages the United Nations Development Programme, the World Bank and other international programmes and agencies to cooperate with the Centre for Human Rights in devising a consistent approach to the selection and use of indicators in the field of human rights with a view to developing a methodology for assessing the impact of development programmes on the enjoyment of human rights;

4. Notes with appreciation the approval by the Commission on Human Rights in its resolution 1991/18 of 1 March 1991 and the Economic and Social Council in its decision 1991/235 of the convening of a United Nations expert seminar on the use of social and economic indicators in monitoring the realization of economic, social and cultural rights, and recommends that the progress reports and working paper prepared by the Special Rapporteur be included in the documentation for the seminar;

5. Encourages expert members of the Sub-Commission and the Committee on Economic, Social and Cultural Rights, as well as technical experts from the Department of International Economic and Social Affairs and the Office of the Director-General for Development and International Economic Cooperation, the United Nations Children's Fund, the United Nations Development Programme, the United Nations Research Institute for Social Development, the specialized agencies and the World Bank to participate in the seminar;

6. Recommends also that the Centre for Human Rights and the United Nations Development Programme consider the establishment of an interagency technical coordination group to help plan the seminar, and

cooperate in the development of a shared approach to the selection, design and use of human rights indicators with due respect for the international instruments in the field of human rights;

7. Invites the United Nations Statistical Office to collaborate with the Centre for Human Rights in preparing, for the use of the seminar and of the Sub-Commission, a list of statistical indicators currently available in the United Nations system, organized in accordance with the provisions of the International Covenant on Economic, Social and Cultural Rights, and of recommendations for additional relevant indicators which may feasibly be collected through existing mechanisms;

8. Requests the Secretary-General:

(a) To ensure the widest possible distribution of the progress reports of the Special Rapporteur throughout the United Nations system, especially among programmes and agencies with mandates in the economic, social and cultural fields, including the United Nations Children's Fund, the United Nations Development Programme, the International Labour Organisation, the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization, the World Health Organization, the World Bank, the International Monetary Fund and the Administrative Committee on Coordination;

(b) To prepare a concise note containing an outline of a possible set of basic policy guidelines on structural adjustment, taking into account the relevant parts of the second progress report of the Special Rapporteur;

(c) To provide the Special Rapporteur with all the assistance he may require for the successful completion of his task, and to make available to him all relevant information from sources within the United Nations system;

9. Requests the Special Rapporteur to submit his final report to the Sub-Commission at its forty-fourth session;

10. Decides to consider the above-mentioned final report at its forty-fourth session under the agenda item entitled "The realization of economic, social and cultural rights".

35th meeting
29 August 1991
[Adopted without a vote. See chap. IX.]

1991/28. Human rights dimensions of population transfer, including the implantation of settlers and settlements

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1990/17 of 30 August 1990, in which it decided to consider the human rights dimensions of population transfer, including the

policy and practice of the implantation of settlers and settlements, at its future sessions under the agenda item "The realization of economic, social and cultural rights",

Noting that the implantation of settlers and the removal of people received explicit attention in various country-specific resolutions adopted by the Sub-Commission in 1990 and previously,

Noting with appreciation the working paper submitted by Ms. Christi Ezim Mbonu (E/CN.4/Sub.2/1991/47) on this subject,

Noting also that population transfer policies have affected and continue to affect numerous countries, peoples and minorities throughout the world,

Considering that the policy and practice of population transfer, including the removal of people and the implantation of settlers, particularly where induced or conducted by government authorities, invariably has serious consequences for the enjoyment or constitutes a serious violation of the human rights of the people removed, the original inhabitants of the countries concerned, as well as the settlers,

Recalling the rights enshrined in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and other instruments, in particular the right to freedom of movement, to choose one's residence and to leave any country and return to one's country, the right to be free from arbitrary interference with one's privacy, family or home, the right to an adequate standard of living, the inherent right to life, the right to liberty and security of person, the right of all peoples freely to determine their political status and freely to pursue their economic, social and cultural development and freely to dispose of their natural wealth and resources,

Recalling also the International Convention on the Elimination of All Forms of Racial Discrimination,

Aware that the practice of population transfer is discriminatory in its application and that it inherently leads to widespread and systematic discrimination,

Conscious that population transfer may constitute part of a larger policy towards distinct ethnic, racial or religious groups and may be motivated by strategic, military and political aims of imposing effective control over and assimilation of nations and peoples and at changing the demographic composition of the territories concerned,

Recalling the Convention on the Prevention and Punishment of the Crime of Genocide, which defines the act of genocide to include "deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part",

Disturbed by reports concerning the implantation of settlers and settlements in certain countries, including occupied territories, with the aim of changing the demographic structure and the political, cultural, religious and other characteristics of those countries or with the intent to destroy, in whole or in part, a national, ethnic, racial or religious group as such,

Recalling the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, article 49 of which states, "The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies",

Concerned that the original inhabitants into whose territory alien settlers are being moved or peoples who are being moved may face the threat of genocide,

Noting with deep concern that population transfer may threaten the survival of a distinct people's national or cultural identity,

Noting also with deep concern that this practice is often a significant factor in the origin and deepening of ethnic unrest and conflict, which contribute towards increasing social, economic, political and cultural instability, thereby threatening world peace and security,

Convinced that the movement of people is often achieved either without the free and informed consent of the people being moved or without the consent of the people into whose territory they are being moved,

1. Recognizes that population transfer affects the basic human rights and freedoms of the peoples concerned, including the original inhabitants, the people removed and settlers;

2. Decides to include the question of the human rights dimensions of population transfers, including the implantation of settlers and settlements, in its future work programme with a view to considering further effective action on this matter, taking into account the working paper submitted by Mrs. Christy Ezim Mbonu (E/CN.4/Sub.2/1991/47) and such other relevant materials as may be provided to the Secretary-General by non-governmental organizations or in the reports of other United Nations bodies.

35th meeting
29 August 1991
[Adopted without a vote. See chap. IX.]

1991/29. Situation in Somalia

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Concerned at the human rights situation in Somalia resulting from 20 years of gross violations of human rights and the ensuing civil war,

Troubled at the devastation and the human resources constraints, which have been exacerbated by the collapse of the previous Government,

Aware of the Djibouti reconciliation agreement and other efforts to restore stability,

Alarmed at the lack of food and worsening economic conditions,

Deeply concerned that the situation of the refugees and internally displaced persons is compounding the problems,

Mindful of Commission on Human Rights resolution 1991/25 of 5 March 1991 inviting all Governments and international organizations to intensify their cooperation and assistance in worldwide efforts to address the serious problems and needs resulting from internal displacement,

Bearing in mind that internal displacement has removed people in Somalia not only from their homes and lands, but from meaningful participation in their Government, and from their right to development,

Noting that peace and security are essential conditions for the enjoyment of human rights,

Determined to assist the people of Somalia in restoring an atmosphere conducive to the promotion of human rights,

1. Stresses the importance of the international community ensuring the provision of urgent humanitarian assistance to the people of Somalia, and of effective international coordination to facilitate equitable distribution;

2. Suggests that the Office of the United Nations High Commissioner for Refugees ensure that adequate international protection and resources are provided to refugees until their voluntary return is assured;

3. Invites the international community to intensify its cooperation with the Government of Somalia to ensure the protection of internally displaced persons;

4. Suggests that the United Nations Educational, Scientific and Cultural Organization consider ways of establishing a mass educational programme in both technical skills and the liberal arts;

5. Requests the Secretary-General, through the Centre for Human Rights, to offer advisory services and technical assistance to assist in restoring infrastructure and support services.

35th meeting
29 August 1991
[Adopted without a vote. See chap. IX.]

1991/30. Draft universal declaration of indigenous rights

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1985/22 of 29 August 1985, in which it endorsed the decision of the Working Group on Indigenous Populations to emphasize its standard-setting activities, with the aim of producing a draft declaration on indigenous rights which might be proclaimed by the General Assembly,

Recalling also its resolution 1990/26 of 31 August 1990, in which it expressed its appreciation of the progress made at the eighth session of the Working Group in carrying out its standard-setting mandate and recommended that the Working Group be authorized to meet for 10 working days prior to the forty-third session of the Sub-Commission, with a view to enabling the Working Group to intensify its efforts to complete the draft of the declaration in consultation with interested Governments and organizations of indigenous peoples,

Taking note of Economic and Social Council decision 1991/249 authorizing the Working Group to meet for 10 working days prior to the forty-third session of the Sub-Commission and to be provided with interpretation and documentation in English and Spanish,

Convinced that the Working Group can fulfil its standard-setting task only if it enjoys the greatest possible direct participation of and consultation with interested Governments and organizations and representatives of indigenous peoples,

Emphasizing the decision of the Working Group at its first session that both English and Spanish are indispensable as working languages,

Reiterating the importance of taking further measures to ensure that the activities of the Working Group are better known in every country, in accordance with Commission on Human Rights resolution 1983/23 of 4 March 1983, as well as measures to make information on human rights available to indigenous peoples in their own languages,

Noting with appreciation and satisfaction the revised working paper on the text of the draft declaration (E/CN.4/Sub.2/1991/36) prepared by the Chairman-Rapporteur of the Working Group, Ms. Erica-Irene Daes, as well as the report and recommendations of the Working Group on its ninth session (E/CN.4/Sub.2/1991/40 and Corr.1),

Reaffirming its endorsement, contained in its resolution 1990/26, of the working methods adopted by the Working Group at its eighth session, in particular the facilitation of a dialogue between indigenous peoples, the members of the Working Group and Governments on developments in various parts of the world,

Convinced of the urgent need to promote and protect the rights of indigenous peoples, including by means of a continued and comprehensive review of developments in this field, as well as through the development and application of standards,

1. Expresses its appreciation to the Working Group on Indigenous Populations, and especially to its Chairman-Rapporteur, Ms. Daes, for the significant and substantive progress made at its ninth session in carrying out its standard-setting mandate, in particular the agreement on a large portion of the text of the draft declaration on the rights of indigenous peoples at its first reading (E/CN.4/Sub.2/1991/40, annex II A);

2. Expresses its deep satisfaction at the continued and increased constructive participation of representatives of observer Governments, indigenous peoples, specialized agencies and non-governmental organizations in the annual sessions of the Working Group and at the efforts of the Chairman-Rapporteur to encourage and promote further dialogue between Governments and indigenous peoples at the national level;

3. Endorses the plan proposed in the recommendations of the Working Group (E/CN.4/Sub.2/1991/40, annex I) for the completion of the first and second readings of the text of the draft declaration;

4. Encourages Governments and indigenous peoples to continue to meet at the national and regional levels, with the aim of increasing understanding and agreement on the principles contained in the draft declaration;

5. Welcomes the contributions made by Governments, indigenous peoples and non-governmental organizations to the United Nations Voluntary Fund for Indigenous Populations, which was able to facilitate the participation of a significant number of representatives of indigenous peoples in the ninth session of the Working Group, and appeals for increased financial support for the activities of the Fund;

6. Appeals to Governments, indigenous peoples and non-governmental organizations to consider making contributions also to the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, for the support of training courses and informational activities aimed at preparing indigenous peoples to play a more effective role in the Working Group and in the economic and social development of the countries in which they live;

7. Requests the Secretary-General:

(a) To transmit the report of the Working Group on its ninth session to Governments, indigenous peoples, and intergovernmental and non-governmental organizations as soon as possible after the present session of the Sub-Commission for specific comments and suggestions for the completion of the first reading of the text and the beginning of the second reading at the tenth session of the Working Group;

(b) To ensure that all meetings of the Working Group at its tenth and future sessions are provided with interpretation and documentation in both English and Spanish;

(c) To organize a regional training course in Latin America on the United Nations, human rights and indigenous peoples, as a matter of the highest priority and in accordance with paragraph 8 (d) of both Sub-Commission resolution 1990/26 of 31 August 1990 and Commission on Human Rights resolution 1991/59 of 6 March 1991;

(d) To give all necessary assistance to the Working Group in discharging its tasks, including more effective dissemination of information about its activities to indigenous peoples in every country in order to encourage their wider participation;

8. Recommends that the Chairman-Rapporteur of the Working Group, Ms. Erica-Irene Daes, be entrusted with the task of further elaborating the paragraphs of the draft declaration which were agreed upon by the members of the Working Group at first reading, taking into account the relevant written observations received pursuant to paragraph 7 (a) of the present resolution, to facilitate further progress on standard-setting at the tenth session of the Working Group, and requests the Secretary-General to provide her with all the assistance she may require for the completion of this task;

9. Welcomes the publication of the Universal Declaration of Human Rights in the Mikmaq language by the Department of Public Information of the United Nations Secretariat, and expresses the sincere hope that the Department will work towards establishing a comprehensive programme of translating basic international texts into major indigenous languages;

10. Recommends that the reports of the Working Group be made available to the Commission on Human Rights and to the Economic and Social Council at each of their sessions;

11. Authorizes the Chairman-Rapporteur of the Working Group to attend the Conference on the Human Dimension in Moscow in September 1991, in order to draw the attention of States participating in the Conference on Security and Cooperation in Europe to the activities of the Working Group, and in particular to its recommendation that they consider the issue of the recognition and protection of the rights of indigenous peoples, and recommends that the Secretary-General draw the present resolution to the attention of the Conference secretariat;

12. Welcomes the initiative taken by the Cree Regional Youth Council (of Quebec) in organizing the First World Indigenous Youth Conference, to be held at Quebec City, Canada, in July 1992, encourages States, as well as indigenous peoples, to give the conference their full support and cooperation and requests the organizers to make the report of the conference available to the Working Group at its tenth session;

13. Decides to examine these issues at its forty-fourth session as a matter of high priority, under the item entitled "Discrimination against indigenous peoples";

14. Recommends the following draft decision to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. B, draft decision 7.]

35th meeting
29 August 1991
[Adopted without a vote. See chap. XVI.]

1991/31. Economic and social relations between indigenous peoples and States

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Reaffirming its resolution 1990/27 of 31 August 1990,

Guided by the conclusions and recommendations of the Seminar on the Effects of Racism and Racial Discrimination on the Social and Economic Relations between Indigenous Peoples and States (E/CN.4/1989/22),

Mindful of the provisions of Convention No. 169 of the International Labour Organisation, concerning indigenous and tribal peoples in independent countries, of 27 June 1989, in particular with regard to the right of indigenous peoples to control their own economic, social and cultural development,

Convinced that a principal means of strengthening indigenous peoples' enjoyment of fundamental rights, in accordance with the Declaration on the Right to Development, is to increase their direct control of the planning, implementation and benefits of all forms of development which may affect them,

Noting that, while the technical assistance provided by United Nations bodies and specialized agencies frequently affects indigenous peoples, no common guidelines exist for ensuring that such assistance is provided in a manner compatible with the rights, participation and needs of indigenous peoples,

Mindful of General Assembly resolution 45/97 of 14 December 1990, urging the United Nations regional commissions to convene meetings with grass-roots organizations to consider ways of measuring progress in the implementation of the right to development,

Conscious that indigenous peoples occupy and use some of the world's most fragile ecosystems, depend upon these ecosystems for their survival and development, and possess irreplaceable knowledge of them,

Welcoming decision 2/7 of 5 April 1991 of the Preparatory Committee for the United Nations Conference on Environment and Development, which recognizes the important role of indigenous peoples' traditional knowledge and resource-management practices in achieving sustainable development,

Welcoming also the decision by the Home Rule Government of Greenland to host a United Nations meeting of experts on self-government for indigenous peoples at Nuuk, Greenland, in September 1991,

Having examined with interest and appreciation the report and relevant recommendations of the Working Group on Indigenous Populations (E/CN.4/Sub.2/1991/40), the preliminary report of the Special Rapporteur on human rights and the environment, Ms. Fatma Ksentini (E/CN.4/Sub.2/1991/8), and the working paper on population transfer and resettlement prepared by Ms. Christy Mbonu (E/CN.4/Sub.2/1991/47),

1. Welcomes the report of the United Nations Centre on Transnational Corporations on transnational investments and operations on the lands of indigenous peoples (E/CN.4/Sub.2/1991/49), prepared pursuant to Sub-Commission resolutions 1989/35 of 1 September 1989 and 1990/26 of 31 August 1990;

2. Encourages organizations of indigenous peoples to participate actively in this continuing study, which would be greatly enhanced by the allocation of budgetary or extrabudgetary resources for the provision of technical assistance and training to indigenous peoples;

3. Requests the World Intellectual Property Organization to assist the Working Group on Indigenous Populations in formulating recommendations for the effective protection of the intellectual property of indigenous peoples;

4. Expresses its appreciation to the Chairman and States participating in the Preparatory Committee for the United Nations Conference on Environment and Development for inviting the Chairman-Rapporteur of the Working Group on Indigenous Populations, Ms. Erica-Irene Daes, to address the Preparatory Committee at its second session, and recommends that Ms. Daes present additional relevant information to the Preparatory Committee at its third and fourth sessions, if invited, and to the Conference itself;

5. Requests the Secretary-General:

(a) To prepare a concise report on the extent to which indigenous peoples can utilize existing international standards and mechanisms for the protection of their intellectual property, drawing attention to any gaps or obstacles and to possible measures for addressing them;

(b) To convene, no later than May 1992, the technical conference on practical experience in the realization of sustainable and environmentally sound self-development by indigenous peoples, authorized by the Economic and Social Council in decision 1990/238 of 25 May 1990, with a view to making a contribution to the United Nations Conference on Environment and Development in June 1992;

(c) To ensure that organizations of indigenous peoples are represented at all United Nations seminars and technical meetings which deal with the implementation of the Declaration on the Right to Development or with the realization of human rights through the development process;

(d) To bring the present resolution to the attention of the Secretary-General of the United Nations Conference on Environment and Development, and to the administrative head of each United Nations operational body and specialized agency, and to submit a report to the Sub-Commission at its forty-fourth session on the measures taken to implement the present resolution, and on the results achieved;

6. Appeals to Governments in Latin America and Asia to consider offering to host the technical conference on practical experience in the realization of sustainable and environmentally sound self-development by indigenous peoples, referred to in paragraph 5 (b) above, to help strengthen the participation of indigenous peoples and experts from these regions in the work of the United Nations in the field of indigenous peoples' rights;

7. Encourages the United Nations regional commissions to organize technical meetings with indigenous peoples' organizations in 1992, within the context of the realization of the right to development;

8. Recommends the following draft decision to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. B, draft decision 8.]

35th meeting
29 August 1991
[Adopted without a vote. See chap. XVI.]

1991/32. Ownership and control of the cultural property of indigenous peoples

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1990/25 of 31 August 1990 in which it entrusted Ms. Erica-Irene Daes with the task of preparing a working paper on the question of the ownership and control of the cultural property of indigenous peoples for submission to the Working Group on Indigenous Populations at its ninth session,

Taking note of the conclusions and recommendations contained in the working paper (E/CN.4/Sub.2/1991/34) submitted by Ms. Daes, as well as the suggestions made by indigenous peoples' organizations (E/CN.4/Sub.2/1991/NGO/4 and E/CN.4/Sub.2/1991/NGO/6),

Reiterating its concern at the extensive international traffic in indigenous cultural property, which undermines the ability of indigenous peoples to pursue their own political, economic, social, religious and cultural development in conditions of freedom and dignity,

Appreciating the efforts of organizations such as the United Nations Educational, Scientific and Cultural Organization to facilitate the return of cultural property to the countries of origin,

Aware nevertheless that the intergovernmental mechanisms established by UNESCO are not accessible to indigenous peoples,

Conscious also that indigenous peoples experience difficulty utilizing national judicial and administrative mechanisms for the recovery of their cultural property because their own laws defining cultural property and forbidding its alienation are not documented or respected,

Reaffirming the important catalytic role to be played by the Working Group on Indigenous Populations within the United Nations system in finding ways for all bodies and specialized agencies to contribute to the promotion and protection of the rights of indigenous peoples within their respective areas of competence,

Mindful that 1993 has been proclaimed International Year for the World's Indigenous People,

1. Expresses its appreciation to Ms. Erica-Irene Daes for her working paper (E/CN.4/Sub.2/1991/34) on the ownership and control of the cultural property of indigenous peoples;

2. Decides to entrust Ms. Daes with the further task of preparing, for submission at its forty-fifth session in 1993, a study of measures which should be taken by the international community to strengthen respect for the cultural property of indigenous peoples;

3. Requests the Special Rapporteur, Ms. Daes, to include in her study a comprehensive analysis of the laws and traditions of indigenous peoples with respect to the definition, ownership and control of cultural property, to be prepared in cooperation with indigenous peoples, and authorizes her to collect information and relevant data from Governments, specialized agencies, intergovernmental organizations and indigenous organizations and communities;

4. Invites the Special Rapporteur to pursue this task in cooperation, as far as possible, with the United Nations Educational, Scientific and Cultural Organization;

5. Requests the Secretary-General to give the Special Rapporteur all the assistance she may require to complete these tasks successfully;

6. Recommends to the Commission on Human Rights the following decision for adoption:

[For the text, see chap. I, sect. B, draft decision 9.]

35th meeting
29 August 1991
[Adopted without a vote. See chap. XVI.]

1991/33. International Year for the World's Indigenous People

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Bearing in mind that one of the purposes of the United Nations, as set forth in the Charter, is the achievement of international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without discrimination as to race, sex, language or religion,

Taking note of General Assembly resolution 45/164 of 18 December 1990 proclaiming 1993 as International Year for the World's Indigenous People,

Recalling Economic and Social Council resolution 1988/35 of 27 May 1988 encouraging all States to ensure that educational and informational activities, including national celebrations, gave an accurate interpretation of history and did not perpetuate or justify theories of racial superiority or the subjugation of indigenous or other peoples,

Mindful of the recommendations contained in Commission on Human Rights resolution 1991/57 of 6 March 1991 with respect to the importance of the full participation of indigenous people in the planning, implementation and evaluation of projects,

Convinced that all United Nations operational bodies and specialized agencies should make practical contributions to protecting the rights and improving the conditions of indigenous peoples through direct cooperation with organizations and communities of indigenous peoples, particularly in the developing countries,

Welcoming decision 1991/7 of 3 May 1991 of the Executive Board of the United Nations Children's Fund and decision 91/12 of 21 June 1991 of the Governing Council of the United Nations Development Programme with regard to formulating concrete plans for the contributions of these bodies to the International Year in collaboration with organizations of indigenous people,

Taking account of the recommendations made in the second working paper (E/CN.4/Sub.2/1991/39) prepared by Mr. Asbjørn Eide and Ms. Christy Mbonu, containing further suggestions for activities for the International Year,

Noting also that the World Conference on Human Rights will take place during the International Year for the World's Indigenous People,

1. Expresses its appreciation to Mr. Asbjørn Eide and Ms. Christy Mbonu for the useful suggestions contained in their second working paper with respect to United Nations activities for the International Year for the World's Indigenous People (E/CN.4/Sub.2/1991/39);

2. Recommends that the General Assembly designate a coordinator for the International Year for the World's Indigenous People;

3. Recommends that the official United Nations opening ceremonies for the International Year be held in New York on or about 12 October 1992;

4. Encourages all operational bodies and specialized agencies of the United Nations to organize technical meetings in 1992 with representatives of indigenous peoples, with the aim of identifying specific projects which can be assisted effectively by the United Nations and executed as far as possible by indigenous peoples themselves;

5. Welcomes the initiative of several indigenous organizations to organize in 1992 a conference of experts on treaties, agreements and other constructive arrangements between States and indigenous peoples, with the participation of the Special Rapporteur on this subject, Mr. Miguel Alfonso Martínez, and expresses its hope that the proceedings, conclusions and recommendations of this conference will be made available to the Special Rapporteur as an important contribution to his study;

6. Appeals to Governments to contribute generously to the voluntary fund especially established for the International Year by the General Assembly in its resolution 45/164 of 18 December 1990, in particular for the purpose of convening the eleventh session of the Working Group on Indigenous Populations in 1993 in Latin America and the twelfth session of the Working Group in 1994 in Asia, and to consider appropriate projects and activities at the national level consistent with the aims and theme of the year;

7. Requests the Secretary-General:

(a) To give preference to indigenous people in obtaining services and employing artists, consultants and other professionals in connection with the International Year;

(b) To take the present resolution into account in preparing the draft programme of activities for the International Year, in accordance with General Assembly resolution 45/164;

(c) To bring the present resolution to the attention of the General Assembly during its forty-sixth session;

8. Recommends that the Preparatory Committee for the World Conference on Human Rights consider including among its proposals to the General Assembly the preparation of a case study on the struggle of indigenous peoples to claim and exercise their rights, which could be presented by indigenous peoples themselves as an important input to the Conference.

35th meeting
29 August 1991
[Adopted without a vote. See chap. XVI.]

1991/34. Report of the Working Group on Contemporary Forms of Slavery

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Taking note of the report of the Working Group on Contemporary Forms of Slavery on its sixteenth session (E/CN.4/Sub.2/1991/41 and Corr.1),

Deeply concerned at the information it contains relating to the traffic in persons and the exploitation of the prostitution of others, the sale of children, child prostitution and child pornography, the exploitation of child labour, debt bondage, the slavery-like practices of apartheid and colonialism, and the phenomenon of child soldiers,

1. Expresses its appreciation to the Working Group on Contemporary Forms of Slavery for its valuable work, in particular the progress made at its sixteenth session in executing its programme of work, and for its continued broad approach and flexible methods of work;

I. Sale of children, child prostitution and child pornography

2. Welcomes the preliminary report prepared by Mr. Vitit Muntarbhorn, Special Rapporteur of the Commission on Human Rights on questions relating to the sale of children, child prostitution and child pornography (E/CN.4/1991/51), and requests the Special Rapporteur, within the framework of his mandate, to pay increased attention to aspects relating to trafficking in children, especially trafficking with a view to organ transplantation, disappearances, the purchase and sale of children, child prostitution and participation by children in armed conflicts;

3. Takes note of the information supplied to the Working Group on these problems and decides to transmit this information to the Special Rapporteur, including the recommendations concerning his mandate;

4. Invites once again the Special Rapporteur to consider ways and means of cooperating with the Working Group;

5. Recommends that the Commission on Human Rights should extend the mandate of the Special Rapporteur beyond 1991;

II. Exploitation of child labour and debt bondage

6. Welcomes with satisfaction the entry into force of the Convention on the Rights of the Child and the establishment of the Committee on the Rights of the Child;

7. Reiterates its request to the Commission on Human Rights to authorize it to consider the possibility of appointing a special rapporteur to update Mr. Abdelwahab Bouhdiba's report on the exploitation of child labour (E/CN.4/Sub.2/479), submitted to the Sub-Commission at its thirty-fourth session in 1981, and to extend that study to the problem of debt bondage;

8. Requests the Secretary-General to make available to the Working Group on Contemporary Forms of Slavery a summary of the replies received from Governments, specialized agencies and intergovernmental and non-governmental organizations relating to the draft programme of action for the elimination of the exploitation of child labour pursuant to Commission on Human Rights resolution 1991/55 of 6 March 1991;

III. Child soldiers

9. Expresses its deep concern that in many parts of the world children continue to take part in hostilities and are recruited into armed forces, and that some Governments and non-governmental entities encourage and sometimes compel children to take part in hostilities;

10. Recognizes that children who have been trained to hate and have participated in armed conflicts are often mentally and morally crippled for life;

11. Deplores the fact that many child soldiers have been killed or seriously injured and that others languish as prisoners of war;

12. Believes that measures should be taken to stop the recruitment of children into armed forces;

13. Requests the Secretary-General to update his report on the recruitment of children into government and non-governmental armed forces (E/CN.4/Sub.2/1990/43 and Add.1 and 2) on the basis of information provided by Governments, the specialized agencies, relevant United Nations organs, regional and intergovernmental organizations, the International Committee of the Red Cross and non-governmental organizations concerned, and to submit it to the Sub-Commission at its forty-fourth session;

IV. Miscellaneous

14. Requests the Working Group to study the possibility of preparing guiding principles for combating the various contemporary forms of slavery and to endeavour to identify the spheres in which such guiding principles could be applied;

15. Requests the Secretary-General to seek the views and suggestions of member States and governmental and non-governmental organizations on this subject with a view to the consideration of their replies by the Working Group at its future sessions;

16. Recommends that the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child, when examining periodic reports of States parties, give particular attention to the implementation of, respectively, articles 8 and 24 of the International Covenant on Civil and Political Rights, articles 10, 12 and 13 of the International Covenant on Economic, Social and Cultural Rights, article 6 of the Convention on the Elimination of All Forms of Discrimination against Women and articles 32, 34 and 36 of the Convention on the Rights of the Child, with a view to combating contemporary forms of slavery;

17. Also recommends that the supervisory bodies of the International Labour Organisation and the Committee on Conventions and Recommendations of the United Nations Educational, Scientific and Cultural Organization give particular attention in their work to the implementation of provisions and standards designed to ensure the protection of children and other persons exposed to contemporary forms of slavery, such as the sale of children, child prostitution and child pornography, the exploitation of child labour, bonded labour and the traffic in persons;

18. Requests the Secretary-General to transmit to the above-mentioned bodies recommendations of relevance to them and the report of the Working Group;

19. Also requests the Secretary-General to send a representative of the Centre for Human Rights to participate in a Council of Europe seminar on trafficking in persons and prostitution to be held in Strasbourg from 24 to 27 September 1991 and to report on the results of this seminar to the Working Group at its seventeenth session;

20. Further requests the Secretary-General to reassign to the Working Group a full-time Professional staff member of the Centre for Human Rights, as was the case in the past, to work on a permanent basis to ensure continuity and close coordination within and outside of the Centre for Human Rights on issues relating to contemporary forms of slavery, to prepare documentation well in advance, to facilitate the representation at the Working Group's sessions of the largest possible number of intergovernmental and non-governmental organizations with competence in the fields examined, and to report on the measures taken for this purpose to the Commission on Human Rights at it forty-eighth session and to the Working Group on Contemporary Forms of Slavery at its seventeenth session;

21. Again requests the Secretary-General to designate the Centre for Human Rights as the focal point for the coordination of activities in the United Nations for the suppression of contemporary forms of slavery and to

report on the measures taken for this purpose to the Commission on Human Rights at its forty-eighth session and to the Working Group on Contemporary Forms of Slavery at its seventeenth session;

22. Requests the Secretary-General to examine the possibility of organizing the sessions of the Working Group on Contemporary Forms of Slavery for eight working days during the months of April or May, in order to avoid overlapping with meetings of other working groups of the Sub-Commission and the burden this places on the Centre for Human Rights, and in view of the impossibility of representatives of Governments and non-governmental organizations attending simultaneous sessions.

35th meeting
29 August 1991
[Adopted without a vote. See chap. XVII.]

1991/35. Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Convinced that an independent and impartial judiciary and an independent legal profession are essential for the protection of human rights and for ensuring that there is no discrimination in the administration of justice,

Recalling that the General Assembly in its resolution 45/166 of 18 December 1990 welcomed the Basic Principles on the Role of Lawyers, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (see A/CONF.144/28) and invited Governments to respect them and to take them into account within the framework of their national legislation and practice,

Recalling that the General Assembly in its resolution 45/166 also welcomed the decision of the Sub-Commission to entrust Mr. Louis Joinet with the preparation of a report on strengthening the independence of the judiciary and the protection of practising lawyers, as described in Sub-Commission resolution 1990/23,

Recalling also Economic and Social Council decision 1991/241 of 31 May 1991 endorsing Commission on Human Rights resolution 1991/39 of 5 March 1991, in which the Commission welcomed the recommendations made in the working paper prepared by Mr. Joinet on means by which the Sub-Commission could monitor the implementation of the Basic Principles on the Independence of the Judiciary and the protection of practising lawyers (E/CN.4/Sub.2/1990/35) and endorsed the decision of the Sub-Commission to commission a report on strengthening the independence of the judiciary and the protection of practising lawyers as described in Sub-Commission resolution 1990/23,

Recalling further its own resolutions 1989/22 of 31 August 1989 and 1990/23 of 30 August 1990,

1. Calls on Governments to strengthen the independence of the judiciary and the legal profession, as fundamental elements in the protection of human rights;

2. Takes note with appreciation of the report prepared by Mr. Louis Joinet pursuant to its resolution 1990/23 of 30 August 1990 and Commission on Human Rights resolution 1991/39 of 5 March 1991 (E/CN.4/Sub.2/1991/30 and Add.1-4);

3. Endorses the recommendations contained in paragraphs 303 to 305 of the report concerning advisory services and technical assistance, in particular with regard to:

(a) Taking into account, in planning and organizing such activities, the needs of the intended beneficiaries, ensuring wider and more effective participation of professionals and representatives of non-governmental organizations in these activities and providing for follow-up and evaluation;

(b) Calling for increased cooperation and the effective support of the States concerned in strengthening the independence of the judiciary, taking into account the human rights situation, as well as the needs and capacities, of those countries;

4. Stresses the need to strengthen cooperation between the Centre for Human Rights and the other United Nations bodies offering technical assistance and advisory services, in particular the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs;

5. Decides to entrust Mr. Joinet with the preparation of a report to bring to the attention of the Sub-Commission information on practices and measures which have served to strengthen or to weaken the independence of the judiciary and the legal profession in accordance with United Nations standards, paying particular attention to those elements set out in paragraph 302 of his report prepared pursuant to resolution 1990/23;

6. Requests the Secretary-General to provide the Special Rapporteur with all the assistance necessary for the completion of this task;

7. Also requests the Secretary-General to transmit the report to be prepared by the Special Rapporteur, as soon as he receives it, to Mr. Leandro Despouy and Mr. El Hadji Guissé and invites these two experts to examine the report with a view to making comments thereon at the forty-fourth session of the Sub-Commission, without prejudice to the right of all members of the Sub-Commission to make their own comments and express their own opinions on the report;

8. Further requests the Secretary-General to transmit the present resolution to Governments and intergovernmental and non-governmental organizations, including professional associations of judges and lawyers, requesting them to provide specific information on practices and measures which have served to strengthen or to weaken the independence of the judiciary and the legal profession;

9. Decides to consider the report to be prepared by the Special Rapporteur at its forty-fourth session under the agenda item entitled "Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers";

10. Recommmends the following draft resolution to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. A, draft resolution VII.]

35th meeting
29 August 1991
[Adopted without a vote. See chap. XII.]

1991/36. Fraudulent enrichment of top State officials prejudicial to the public interest

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recommends the following draft resolution to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. A, draft resolution VIII.]

35th meeting
29 August 1991
[Adopted without a vote. See chap. VIII.]

1991/37. Draft programme of action for the prevention of traffic in persons and the exploitation of the prostitution of others

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Taking note of the report of the Working Group on Contemporary Forms of Slavery on its sixteenth session (E/CN.4/Sub.2/1991/41 and Corr.1), the main theme of which was prevention of traffic in persons and the exploitation of the prostitution of others,

Convinced that trafficking in persons and prostitution are incompatible with the dignity and worth of the human person,

Recognizing the extremely serious nature of the information presented to the Working Group and the need for the international community urgently to adopt measures to prevent such practices,

Recalling Economic and Social Council resolution 1983/30 of 26 May 1983, entitled "Suppression of the traffic in persons and of the exploitation of the prostitution of others", and subsequent resolutions of the Economic and Social Council on this subject,

Considering that it is desirable to launch a concerted programme of action as soon as possible for the prevention of traffic in persons and the exploitation of the prostitution of others,

1. Endorses the draft programme of action for the prevention of traffic in persons and the exploitation of the prostitution of others drawn up by the Working Group on Contemporary Forms of Slavery;

2. Recommends the following draft resolution to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. A, draft resolution IX.]

35th meeting
29 August 1991
[Adopted without a vote. See chap. XVII.]

1991/38. Question of the Palestinian and other Arab territories occupied by Israel

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, The Hague Convention of 18 October 1907 and Annexed Regulations concerning the Laws and Customs of War on Land (Convention No. IV of 1907), and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,

Recommends the following draft resolution to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. A, draft resolution X.]

35th meeting
29 August 1991
[Adopted by 10 votes to 4, with 6 abstentions. See chap. V.]

1991/39. The right to freedom of opinion and expression

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its decision 1990/117 of 30 August 1990 in which, taking note of the preliminary report prepared by the Special Rapporteurs, Mr. Danilo Türk and Mr. Louis Joinet, on current problems of realizing the right to freedom of opinion and expression and measures necessary for its strengthening and promotion (E/CN.4/Sub.2/1990/11), it decided to give priority consideration to the updated report at its forty-third session,

Recalling also Commission on Human Rights resolution 1991/32 of 5 March 1991, in which the Commission welcomed the intention of the Special Rapporteurs to study in greater detail measures necessary for the strengthening and promotion of the right to freedom of opinion and expression, inter alia, the concept of a democratic society, the relationship between the right to freedom of opinion and expression, the right to freedom of association and peaceful assembly and the right to take part in government, requested the Secretary-General to provide the rapporteurs with all necessary assistance, and decided to review the question at its forty-eighth session,

Recalling further that the Commission on Human Rights in its resolution 1991/32 expressed its concern at the extensive occurrence in many parts of the world of detention of, or discrimination against, persons who exercised the right to freedom of opinion and expression as affirmed in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights,

Recognizing the vital role played by professionals in the field of information in defending and implementing the right to freedom of expression,

1. Takes note with appreciation of the updated preliminary report prepared by the Special Rapporteurs, Mr. Danilo Türk and Mr. Louis Joinet, (E/CN.4/Sub.2/1991/9);

2. Invites the Special Rapporteurs to continue the work with which they have been entrusted and to submit to the Sub-Commission, at its forty-fourth session, a report which includes conclusions and recommendations, taking into account all the comments made during the discussion on the updated preliminary report at its forty-third session;

3. Requests the Secretary-General to provide the Special Rapporteurs with the assistance necessary to fulfil their mandate;

4. Invites the Working Group on Enforced or Involuntary Disappearances, the Working Group on Arbitrary Detention and the Special Rapporteurs of the Commission on Human Rights to pay particular attention, in the exercise of

their respective mandates, to the situation of persons detained, ill-treated, or discriminated against for having exercised their right to freedom of opinion and expression;

5. Recommends the following draft decision to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. B, draft decision 15.]

36th meeting
30 August 1991
[Adopted without a vote. See chap. V.]

B. Decisions

1991/101. Establishment of sessional working groups

At its 2nd meeting, on 5 August 1991, the Sub-Commission decided, without a vote, to establish the following sessional working groups:

(a) Working group on the question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII), composed of Mr. T.C. van Boven, Mr. S.V. Chernichenko, Ms. F.Z. Ksentini, Mr. V. Soboia and Mr. R. Sachar;

(b) Working group on detention, composed of Mr. L. Despouy, Mr. R. Hatano, Mr. A.A. Ilkahanaf, Mr. W.W. Treat and Mr. D. Türk;

(c) Working group for the preparation of a draft declaration on the right of everyone to leave any country, including his own, and to return to his country, composed of Mr. M. Alfonso Martínez, Ms. J.S. Attah or Ms. C.E. Mbonu, Mr. A. Eide, Mr. I. Maxim and Mr. W.M. Sadi.

[See chap. III.]

1991/102. Organization of work

At its 2nd meeting, on 5 August 1991, the Sub-Commission decided, without a vote, to invite the following persons to participate in its meetings:

(a) In connection with item 4: Mr. Luis Varela Quirós, Special Rapporteur, to submit a progress report on discrimination against HIV-infected people or people with AIDS (E/CN.4/Sub.2/1991/10);

(b) In connection with item 8: Mr. Eduardo Suescún Monroy, author of a report on the method and plan of work for the study on human rights and extreme poverty (E/CN.4/Sub.2/1991/18), requested by the Commission on Human Rights in its resolution 1990/15 of 23 February 1990;

(c) In connection with item 14: Mr. Murlidhar Bhandare, author of a working paper on the interrelationship between human rights and international peace (E/CN.4/Sub.2/1991/32, and Corr.1), prepared for consideration at its forty-third session;

(d) In connection with item 17: Mr. Dimitru Mazilu, Special Rapporteur, to submit a progress report on human rights and youth (E/CN.4/Sub.2/1991/42); and

(e) In connection with the report on the forty-seventh session of the Commission on Human Rights: Mr. Enrique Bernales Ballesteros, Chairman of the forty-seventh session of the Commission on Human Rights.

[See chap. III.]

1991/103. Method of voting in connection with draft resolutions submitted under item 6 of the agenda which relate to country situations

At its 27th meeting, on 23 August 1991, the Sub-Commission decided, without a vote, that any vote on draft resolutions submitted under item 6 of the agenda pertaining to allegations of violations of human rights in countries should be by secret ballot.

[See chap. VII.]

1991/104. Consideration of communications under Economic and Social Council resolution 1503 (XLVIII)

At its 30th meeting (closed), on 27 August 1991, the Sub-Commission decided, by 15 votes to 3, with 1 abstention, to concur with the view expressed by the Working Group on Communications that the procedure governed by Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970 could not be applied as a reparation or relief mechanism in respect of claims of compensation for human suffering or other losses which occurred during the Second World War.

[See chap. X.]

1991/105. Study of the issue of the privatization of prisons

At its 32nd meeting, on 28 August 1991, the Sub-Commission, after having examined the working paper (E/CN.4/Sub.2/1991/56) submitted by Mr. Miguel Alfonso Martínez on this issue pursuant to its decision 1989/110 of 1 December 1989, decided, without a vote:

(a) To request Governments and intergovernmental and non-governmental organizations to submit their views on this matter to the Secretary-General, if possible not later than 10 April 1992;

(b) To request the Secretary-General to submit to the Sub-Commission at its forty-fourth session a working paper containing a systematic compilation of those views and analytical comments thereon;

(c) To consider the question of the privatization of prisons at its forty-fourth session under item 10 (a) of its provisional agenda.

[See chap. XI.]

1991/106. International peace and security as an essential condition for the enjoyment of human rights, above all the right to life

At its 35th meeting, on 29 August 1991, the Sub-Commission decided, without a vote, to suspend the debate on item 14 of the agenda of its forty-third session and to include the item in the provisional agenda of its forty-fourth session.

[See chap. XV.]

1991/107. Declaration of Minimum Humanitarian Standards

At its 35th meeting, on 29 August 1991, the Sub-Commission, noting with interest the working paper containing the Declaration of Minimum Humanitarian Standards, adopted by a meeting of experts convened by the Institute for Human Rights, Abo Akademi University, in Turku/Abo, Finland, from 30 November to 2 December 1990 (E/CN.4/Sub.2/1991/55), decided without a vote to give due attention to the working paper in its future work.

[See chap. V.]

1991/108. Appeal concerning the civilian population in Iraq

At its 35th meeting, on 29 August 1991, the Sub-Commission, referring to its decision 1990/109 of 24 August 1990, and expressing its deep concern at the sufferings of the civilian population in Iraq, threatened by a serious shortage of food and basic medical supplies, decided without a vote, on the grounds of human rights and humanitarian law, to renew its appeal to the effect that in implementing the United Nations sanctions against Iraq all States and international organizations take urgent measures to prevent the death of thousands of innocent persons, in particular of children, and to ensure that their needs for food and health care were met.

[See chap. V.]

1991/109. Progress report on the study on problems and causes of discrimination against HIV-infected people or people with AIDS

At its 35th meeting, on 29 August 1991, the Sub-Commission, taking note with deep appreciation of the progress report on the study on problems and causes of discrimination against HIV-infected people or people with AIDS

(E/CN.4/Sub.2/1991/10), submitted by Mr. Luis Varela Quirós, decided to request the Special Rapporteur to submit his final report to the Sub-Commission at its forty-fourth session and to request the Secretary-General to give the Special Rapporteur any assistance he might require to accomplish his work; it also requested the Special Rapporteur to take into account in the preparation of his final report the views expressed in the debate on his progress report at its forty-third session; it further decided to examine the final report at its forty-fourth session under agenda item 4, entitled "Review of further developments in fields with which the Sub-Commission has been concerned".

[See chap. V]

1991/110. Question of the impunity of perpetrators of violations of human rights

At its 35th meeting, on 29 August 1991, the Sub-Commission, taking into account the interest shown at its forty-third session in the working paper on measures to be taken to combat the increasingly widespread practice of impunity for perpetrators of serious violations of human rights (E/CN.4/Sub.2/1991/WP.5), decided, without a vote, to request Mr. El Hadji Guissé and Mr. Louis Joinet to draft a working paper, without financial implications, expanding and elaborating upon the above-mentioned paper, for consideration by the Sub-Commission at its forty-fourth session.

[See chap. V.]

1991/111. Study on treaties, agreements and other constructive arrangements between States and indigenous populations

At its 35th meeting, on 29 August 1991, the Sub-Commission, recalling its resolutions 1989/38 of 1 September 1989 and 1990/28 of 31 August 1990, took note of the preliminary report on the study on treaties, agreements and other constructive arrangements between States and indigenous populations (E/CN.4/Sub.2/1991/33) submitted by Mr. Miguel Alfonso Martínez and decided, without a vote, to request the Special Rapporteur to submit a progress report on the study to the Working Group on Indigenous Populations at its tenth session and to the Sub-Commission at its forty-fourth session. It also decided to request the Secretary-General (a) to transmit once again to Governments and intergovernmental and non-governmental organizations, as well as to indigenous peoples/organizations the questionnaires submitted by the Special Rapporteur in 1990 (E/CN.4/Sub.2/1990/42, annex VI) requesting them, if they had not done so, to provide the information requested in the questionnaire, if possible not later than 15 March 1992 and (b) to give the Special Rapporteur all the assistance necessary to allow him to continue his work, in particular by providing for a second study trip to the Archivo de Indias in Seville, Spain, for the specialized research assistance required as provided for in past relevant resolutions adopted on the subject and for the necessary trips to Geneva for consultations with the Centre for Human Rights. It also decided to recommend to the Commission on Human Rights that it request the Economic and Social Council to endorse the above-mentioned decision.

[See chap. XVI.]

1991/112. International Year for the World's Indigenous People

At its 35th meeting, on 29 August 1991, the Sub-Commission, recalling its resolution 1990/29 of 31 August 1990, decided to recommend to the Commission on Human Rights the following draft decision:

[For the text, see chap. I, sect. B, draft decision 13.]

[See chap. XVI.]

1991/113. Programme of action for the prevention of the sale of children, child prostitution and child pornography

At its 35th meeting, on 29 August 1991, the Sub-Commission taking note of the draft programme of action for the prevention of the sale of children, child prostitution and child pornography, reformulated by the Working Group on Contemporary Forms of Slavery on the basis of comments submitted by States, specialized agencies and interested non-governmental organizations pursuant to Commission on Human Rights resolution 1991/54 of 6 March 1991, decided to transmit the draft programme of action contained in the report of the Working Group (E/CN.4/Sub.2/1991/41 and Corr.1) to the Commission on Human Rights.

[See chap. XVII.]

1991/114. Right of everyone to leave any country, including his own, and to return to his country

At its 35th meeting on 29 August 1991, the Sub-Commission decided to transmit to the Commission on Human Rights the report of the 1991 session of the Working Group on a draft declaration on the right of everyone to leave any country, including his own, and to return to his country (E/CN.4/Sub.2/1991/45), inviting the Commisson to provide comments and guidance on the issues mentioned in the report.

[See chap. XX.]

1991/115. Postponement of consideration of draft resolution E/CN.4/Sub.2/1991/L.49

At its 35th meeting, on 29 August 1991, the Sub-Commission decided, without a vote, to suspend consideration of draft resolution E/CN.4/Sub.2/1991/L.49, entitled "Validity of reservations to the Convention on the Elimination of all Forms of Discrimination against Women", until its forty-fourth session.

[See chap. XVII.]

1991/116. Postponement of consideration of draft resolution E/CN.4/Sub.2/1991/L.2

At its 36th meeting, on 30 August 1991, the Sub-Commission decided, by 11 votes to 4, with 5 abstentions, to suspend consideration of draft resolution E/CN.4/Sub.2/1991/L.2, entitled "Respect for the right to life: elimination of chemical weapons", until its forty-fourth session.

[See chap. V.]

1991/117. Working group on the methods of work of the Sub-Commission

At its 36th meeting, on 30 August 1991, the Sub-Commission, recalling Commission on Human Rights resolution 1991/56 of 6 March 1991, in which the Commission encouraged the Sub-Commission to continue and finalize its discussions on the best way to improve the efficiency of the debate while attaching high priority to those efforts, decided, by 17 votes to 3, with 1 abstention, to establish, on an exceptional basis in 1992, an intersessional working group on the methods of work of the Sub-Commission. The working group, whose members would be appointed by the Chairman of the forty-third session of the Sub-Commission, after the necessary consultations and on the basis of equitable geographic distribution, would have as its task the elaboration of proposals for the rationalization of the work and agenda of the Sub-Commission, in particular with regard to the:

(a) Preparation and submission of working documents, studies and reports;

(b) Submission and adoption of resolutions;

(c) Structure of the agenda;

(d) Methods and means of dealing with violations of human rights;

(e) Role of alternates.

The working group would meet prior to the forty-fourth session of the Sub-Commission and would submit its proposals at that session.

The Sub-Commission also decided to recommend to the Commission on Human Rights the following draft decision:

[For the text, see chap. I, sect. B, draft decision 14.]

[See chap. IV.]

1991/118. Representation of the Sub-Commission at the first session of the Preparatory Committee for the World Conference on Human Rights

At its 37th meeting, on 30 August 1991, the Sub-Commission decided without a vote that Mr. Louis Joinet, Chairman of the Forty-third session of the Sub-Commission, should represent the Sub-Commission at the first session of the Preparatory Committee for the World Conference on Human Rights.

[See chap. IV.]

1991/119. Composition of the working groups of the Sub-Commission

At its 37th meeting, on 30 August 1991, the Sub-Commission approved the following composition of its working groups:

Regional Groups	Communications	Indigenous Populations	Slavery
Africa	Mr. Guissé Mr. Yimer*	Ms. Attah Ms. Mbonu*	Ms. Ksentini Mr. Ilkahanaf*
Asia	Mr. Tian Jin Mr. Zhan Daode*	Mr. Hatano Mr. Yokota*	Mr. Al-Khasawneh Mr. Sadi*
Latin America	Mr. Heller	Mr. Alfonso Martínez Mr. Posada*	Ms. Sardenberg Zelner
Eastern Europe	Mr. Ramishvili	Mr. Türk	Mr. Diaconu
Western Europe and others	Ms. Palley	Ms. Daes	Not yet decided

* Alternate.

[See chaps. X, XVI and XVII.]

III. ORGANIZATION OF THE FORTY-THIRD SESSION

A. Opening and duration of the session

1. The Sub-Commission on Prevention of Discrimination and Protection of Minorities held its forty-third session at the United Nations Office at Geneva from 5 to 30 August 1991. It held 37 meetings (E/CN.4/Sub.2/1991/SR.1-37) during the session.

2. The session was opened by Mr. Danilo Türk, Chairman of the Sub-Commission on the Prevention of Discrimination and Protection of Minorities at its forty-second session, who made a statement. The Under-Secretary-General for Human Rights also addressed the Sub-Commission at its 1st meeting.

B. Attendance

3. The session was attended by members of the Sub-Commission, by observers from States Members of the United Nations, by observers from non-member States and by representatives of intergovernmental organizations, national liberation movements and non-governmental organizations. An attendance list is given in annex II to the present report.

C. Election of officers

4. At its 1st meeting, on 5 August 1991, the Sub-Commission elected the following officers by acclamation:

Chairman:	Mr. Louis Joinet
Vice-Chairmen:	Ms. Mary Concepción Bautista
	Mr. Claude Heller
	Mr. Danilo Türk
Rapporteur:	Mr. El Hadji Guissé

D. Adoption of the agenda

5. Also at its 1st meeting, the Sub-Commission had before it the provisional agenda for the forty-third session (E/CN.4/Sub.2/1991/1 and Add.1, Add.1/Corr.1, Add.2 and Add.3), drawn up, in accordance with rule 5 of the rules of procedure of the functional commissions of the Economic and Social Council, on the basis of the draft provisional agenda considered by the Sub-Commission at its forty-second session in accordance with paragraph 3 of Economic and Social Council resolution 1894 (LVII).

6. The agenda was adopted without a vote. For the text, see annex I to the present report.

E. Organization of work

7. At its 1st to 4th meetings, on 5 and 6 August 1991, the Sub-Commission considered the organization of its work.

8. At its 2nd meeting, on 5 August 1991, it decided to set up the following sessional working groups:

(a) Working group on the question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other independent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII). The Sub-Commission appointed Mr. van Boven (Western Europe and others), Mr. Chernichenko (Eastern Europe), Ms. Ksentini (Africa), Mr. Saboia (Latin America) and Mr. Sacha (Asia) as members of the working group;

(b) Working Group on Detention. The Sub-Commission appointed Mr. Despouy (Latin America), Mr. Hatano (Asia), Mr. Ilkahanaf (Africa), Mr. Treat (Western Europe and others) and Mr. Türk (Eastern Europe) as members of the Working Group;

(c) Working group for the preparation of a draft declaration on the right of everyone to leave any country, including his own, and to return to his country. The Sub-Commission appointed Mr. Alfonso Martínez (Latin America), Ms. Attah or Ms. Mbonu (Africa), Mr. Eide (Western Europe and others), Mr. Maxim (Eastern Europe) and Mr. Sadi (Asia) as members of the working group.

9. For the text of the decision, see chapter II, section B, decision 1991/101.

10. Also at its 2nd meeting, upon the recommendation of its officers, the Sub-Commission decided to invite the following persons not members of the Sub-Commission to participate in the meetings at which their reports were to be considered:

(a) In connection with item 4: Mr. Luis Varela Quirós, Special Rapporteur on problems and causes of discrimination against HIV-infected people or people with AIDS;

(b) In connection with item 8: Mr. Eduardo Suescún Monroy, author of a report on the method and plan of work for the study of human rights and extreme poverty requested by the Commission on Human Rights in its resolution 1990/15 of 23 February 1990;

(c) In connection with item 14: Mr. Murlidhar Bhandare, author of a working paper on the problem of the interrelationship between international peace and the effective materialization of all human rights, particularly of the right to life and the right to development, prepared for consideration at the forty-third session of the Sub-Commission;

(d) In connection with item 17: Mr. Dimitru Mazilu, Special Rapporteur on human rights and youth; and

(e) In connection with the report on the forty-seventh session of the Commission on Human Rights: Mr. Enrique Bernales Ballesteros, Chairman of the forty-seventh session of the Commission on Human Rights.

11. For the text of the decision, see chapter II, section B, decision 1991/102.

12. Also at its 2nd meeting, the Sub-Commission accepted the recommendation of its officers regarding the limitation of the frequency and duration of statements. Members of the Sub-Commission were to be limited to statements of 10 to 15 minutes; observers from organizations and States to one statement of 10 minutes, and on composite items to a second statement of 6 minutes. It was also agreed that, with regard to statements equivalent to the right of reply, a first statement would be limited to 5 minutes and a second to 3 minutes. Special Rapporteurs would be permitted 20 minutes to introduce their report and 15 minutes for their concluding statements, or 35 minutes to be divided as they wished.

13. At its 4th meeting, on 6 August 1991, the Sub-Commission, bearing in mind the respective priority of the items and availability of the relevant documentation, accepted the recommendation of its officers to consider the items on its agenda in the following order: 3, 5, 13, 12, 6, 18, 17, 15, 10, 11, 16, 7, 8, 4, 9, 14, 19, 20, 21.

F. Meetings, resolutions and documentation

14. Written communications transmitted by Governments and non-governmental organizations for circulation at the forty-third session of the Sub-Commission are mentioned in the chapter on the items to which the communications refer.

15. The Sub-Commission adopted resolutions 1991/1 to 1991/39 and took 19 decisions. The texts of these resolutions and decisions appear in chapter II, sections A and B respectively.

16. Draft resolutions and decisions for action or consideration by the Commission on Human Rights are set out in chapter I, sections A and B respectively.

17. Estimates of the administrative and programme budget implications of the Sub-Commission resolutions and decisions, prepared in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, appear in annex III to the present report.

18. A list of studies under preparation drawn up in accordance with Commission on Human Rights resolution 1982/23 appears in annex IV.

19. A list of documents issued for the forty-third session of the Sub-Commission appears in annex V.

G. Other matters

20. At its 1st meeting, on 5 August 1991, the Sub-Commission, in accordance with its decision 1985/109, observed a minute of silence in honour of the victims of the evil and inhuman system of apartheid in South Africa.

21. At the 26th meeting, on 23 August 1991, the Chairman of the forty-third session of the Sub-Commission, Mr. Louis Joinet, made a statement on the question of the situation in East Timor

IV. REVIEW OF THE WORK OF THE SUB-COMMISSION

22. The Sub-Commission considered item 3 at its 3rd, 4th and 11th meetings, on 5, 6 and 13 August, and at its 36th meeting, on 30 August 1991.

23. The Sub-Commission had before it the following documents in connection with its consideration of the item:

Report of the open-ended working group established pursuant to Sub-Commission decision 1989/104 (E/CN.4/Sub.2/1991/16);

Report of Mr. D. Türk, Chairman of the Sub-Commission at its forty-second session, prepared in accordance with paragraph 18 of Commission on Human Rights resolution 1990/64 (E/CN.4/1991/48);

Letter from Mr. L. Joinet dated 2 August 1991 addressed to the Under-Secretary-General for Human Rights (E/CN.4/Sub.2/1991/WP.1);

Working paper submitted by Mr. R. Hatano (E/CN.4/Sub.2/1991/WP.2);

24. At the 3rd meeting, on 6 August 1991, the item was introduced by a representative of the Centre for Human Rights.

25. At the 14th meeting, on 15 August 1991, the Chairman of the forty-seventh session of the Commission on Human Rights, Mr. E. Bernales Ballesteros, addressed the Sub-Commission. The Sub-Commission then held a closed meeting to discuss the issues and questions raised in his statement.

26. In the general debate on the item, statements 1/ were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (4th and 11th), Mr. van Boven (11th), Mr. Chernichenko (4th), Ms. Daes (4th), Mr. Despouy (4th), Mr. Diaconu (4th), Mr. Eide (4th and 11th), Mr. Heller (4th and 11th), Mr. Ilkahanaf (4th), Mr. Joinet (11th), Ms. Ksentini (4th and 11th), Ms. Palley (4th), Mr. Rivas Posada (11th), Mr. Saboia (4th), Mr. Sachar (4th), Mr. Sadi (4th), Mr. Türk (4th), Ms. Warzazi (4th and 11th).

27. At the 36th meeting, on 30 August 1991, Mr. van Boven, Chairman-Rapporteur of the open-ended working group established pursuant to Sub-Commission decision 1989/104, introduced the report of the working group (E/CN.4/Sub.2/1991/16).

28. At the same meeting, the Sub-Commission considered draft decision E/CN.4/Sub.2/1991/L.74, sponsored by Mr. van Boven. The attention of the Sub-Commission was drawn to an estimate of the administrative and programme budget implications 2/ (E/CN.4/Sub.2/1991/L.76) of draft decision E/CN.4/Sub.2/1991/L.74.

29. Statements relating to the draft decision were made by Mr. Alfonso Martínez, Ms. Attah, Mr. van Boven, Ms. Daes, Mr. Ilkahanaf, Ms. Ksentini, Ms. Warzazi and Mr. Yimer.

30. A statement was also made by the observer for the United States of America.

31. Mr. Yimer requested that a vote be taken on the draft decision.

32. The draft decision was adopted by 17 votes to 3, with 1 abstention.

33. Statements in explanation of vote after the vote were made by Mr. Chernichenko, Ms. Palley and Mr. Tian Jin.

34. For the text of the decision, see chapter II, section B, decision 1991/117.

V. REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH THE SUB-COMMISSION HAS BEEN CONCERNED

35. The Sub-Commission considered item 4 at its 31st and 33rd to 36th meetings, from 27 to 30 August 1991.

36. The Sub-Commission had before it the following documents in connection with its consideration of the item:

Note by the Secretary-General (E/CN.4/Sub.2/1991/2);

Human rights in time of armed conflicts: analytical review of information received from Governments on the scope of education provided to members of the police and the armed forces prepared by the Secretary-General (E/CN.4/Sub.2/1991/5);

Study on traditional practices affecting the health of women and childen: Final report by the Special Rapporteur, Ms. H.E. Warzazi (E/CN.4/Sub.2/1991/6);

Study concerning the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms: progress report submitted by Mr. T. van Boven, Special Rapporteur (E/CN.4/Sub.2/1991/7);

Human rights and the environment: Preliminary report prepared by Ms. F.Z. Ksentini, Special Rapporteur, pursuant to Sub-Commission resolutions 1990/7 and 1990/27 (E/CN.4/Sub.2/1991/8);

The right to freedom of opinion and expression: update of the preliminary report prepared by Mr. D. Türk and Mr. L. Joinet, Special Rapporteurs, in accordance with Sub-Commission decision 1990/117 (E/CN.4/Sub.2/1991/9);

Discrimination against HIV-infected people and people with AIDS: Progress report by Mr. L. Varela Quirós, Special Rapporteur, (E/CN.4/Sub.2/1991/10);

Report of the United Nations Seminar on Traditional Practices Affecting the Health of Women and Children (E/CN.4/Sub.2/1991/48);

Declaration of minimum humanitarian standards: working paper prepared by Mr. T. van Boven and Mr. A. Eide (E/CN.4/Sub.2/1991/55);

Written statement submitted by Human Rights Advocates, a non-governmental organization on the Roster (E/CN.4/Sub.2/1991/NGO/11);

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1991/NGO/15);

Written statement submitted by Sierra Club Legal Defense Fund, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1991/NGO/22);

Written statement submitted by International Work Group for Indigenous Affairs, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1991/NGO/32);

Global strategy for the prevention and control of acquired immunodeficiency syndrome: note by the Secretary-General (A/46/171-E/1991/61);

The right to freedom of opinion and expression: preliminary report prepared by Mr. D. Türk and Mr. L. Joinet, Special Rapporteurs (E/CN.4/Sub.2/1990/11);

Letter dated 29 August 1991 from the Ambassador of the Government of Papua New Guinea to Belgium and the European Community addressed to the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1991/64);

37. At the 31st meeting, on 27 August 1991, the item was introduced by a representative of the Centre for Human Rights.

38. At the same meeting, Mr. L. Varela Quirós, Special Rapporteur, introduced his report (E/CN.4/Sub.2/1991/10).

39. At the 33rd meeting, on 28 August 1991, Mr. D. Türk, Special Rapporteur, introduced the report submitted by Mr. L. Joinet and himself (E/CN.4/Sub.2/1991/9).

40. At the same meeting, Ms. H.E. Warzazi, Special Rapporteur, introduced her report (E/CN.4/Sub.2/1991/6).

41. At the 34th meeting, on 29 August 1991, Mr. T. van Boven, Special Rapporteur, introduced his report (E/CN.4/Sub.2/1991/7).

42. At the same meeting, Ms. F.Z. Ksentini, Special Rapporteur, introduced her report (E/CN.4/Sub.2/1991/8).

43. In the general debate on the item, statements 1/ were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (34th), Mr. Al-Khasawneh (34th), Mr. van Boven (33rd), Mr. Chernichenko (35th), Ms. Daes (35th), Mr. Despouy (34th), Mr. Eide (34th), Mr. Guissé (34th), Mr. Ilkahanaf (35th), Mr. Khalil (35th), Mr. Maxim (35th), Ms. Palley (33rd), Mr. Sachar (34th), Mr. Tian Jin (34th), Mr. Treat (34th), Ms. Warzazi (24th).

44. A statement was made by the observer for the United States of America (33rd).

45. The Sub-Commission also heard statements by representatives of the following non-governmental organizations: Article 19 (34th), Habitat International Coalition (35th), Human Rights Advocates (35th), International Commission of Jurists (35th), International Council of Jewish Women (35th), International Federation of Human Rights (34th), International Fellowship of Reconciliation (35th), International Indian Treaty Council (33rd), International Movement for Fraternal Union among Races and Peoples (35th), International Organization for the Development of Freedom of Education (35th), Minority Rights Group (35th), Sierra Club (35th), War Amputations of Canada (35th), World Press Freedom Committee (34th), World Union for Progressive Judaism (35th) and by the International Committee of the Red Cross (35th).

46. A statement equivalent to a right of reply was made by the observer for Iraq (34th).

47. At the 35th meeting, on 29 August 1991, Mr. T. van Boven, Special Rapporteur, made his concluding remarks.

48. At the same meeting, Mr. L. Joinet, made his concluding remarks on the report submitted by himself and Mr. D. Türk.

49. At the same meeting, Ms. F.Z. Ksentini, made her concluding remarks.

50. At the same meeting, Ms. H.E. Warzazi, made her concluding remarks.

51. At the 35th meeting, on 29 August 1991, the Sub-Commission took up consideration of draft resolution E/CN.4/Sub.2/1991/L.2 sponsored by Mr. Eide, Ms. Palley, Mr. Rivas Posada, Mr. Treat and Ms. Warzazi.

52. The draft resolution read as follows:

"The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, and the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto,

Recalling General Assembly resolutions 42/99 of 7 December 1987 and 43/111 of 8 December 1988, reaffirming that all people have an inherent right to life,

Noting Security Council resolutions 612 (1988) of 9 May 1988 and 620 (1988) of 26 August 1988 on the need to consider appropriate and effective measures for eliminating the use of chemical weapons,

Mindful that the General Assembly, in its resolution 43/74 A of 7 December 1988, called upon all States to be guided by the need to curb the spread of chemical weapons pending the conclusion of a

convention on the prohibition of the development, production, stockpiling and use of all chemical weapons and on their destruction, and requested the Secretary-General to investigate reports of the use of such weapons,

Mindful also that the General Assembly, in its resolution 45/57 A of 4 December 1990, renewed its call to all States to observe strictly the principles and objectives of the 1925 Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases and of Bacteriological Methods of Warfare and to abide by the commitments undertaken in the Final Declaration of the Conference of States Parties to the Protocol, held in Paris in January 1989,

Recalling its resolutions 1988/27 of 1 September 1988 and 1989/39 of 1 September 1989,

Concerned at the alleged use of such weapons against civilian populations, resulting in death, misery, and disability,

Concerned, in particular, at the alleged supply of key precursors for, and the transfer of expertise in, the manufacture of such weapons,

Concerned also at the long-term effects of the development and use of such weapons upon human health and the environment,

Convinced that the production, sale and use of such weapons is incompatible with the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

Believing that continued efforts must be undertaken to sensitize public opinion to the inhuman and indiscriminate effects of the production and commercialization of chemical weapons, and to the need for their complete elimination,

Bearing in mind the current negotiations in the Conference on Disarmament on the complete, effective and verifiable prohibition of the development, production, stockpiling and use of all chemical weapons and on their destruction,

1. Renews its call to all States to observe strictly the principles and objectives of the 1925 Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases and of Bacteriological Methods of Warfare, and condemns all actions that violate this obligation;

2. Calls on all States which have not yet done so to consider on a priority basis acceding to the said Protocol;

3. Urges all States to be guided in their national policies by the need to curb the production and the spread of chemical weapons and to cut off the supply of chemical weapons, agents or key precursors to any State and in particular to States proven to have used chemical weapons;

4. Requests the Secretary-General:

(a) To collect information from relevant and reliable sources, on the supply of key precursors for, the transfer of expertise in and the manufacture of, such weapons;

(b) To collect information, from relevant and reliable sources, on the use of chemical weapons, and on the danger they represent to life, physical security and other human rights;

(c) To present a report on the information gathered to the Sub-Commission at its forty-fourth session, together with any recommendations and views which he may have received on effective ways and means of eliminating chemical weapons;

5. Decides to give further consideration to this matter at its forty-fourth session, on the basis of any additional information which may be contained in reports of the Secretary-General to the Sub-Commission or to other United Nations bodies, or which may be submitted to the Sub-Commission by Governments or non-governmental organizations."

53. Ms. Warzazi revised the draft resolution by inserting in operative paragraph 4(b) the words "fuel, airbombs and napalm" after the words "the use of chemical weapons".

54. Statements relating to the draft resolution were made by Mr. Alfonso Martínez, Mr. Al-Khasawneh, Mr. van Boven, Mr. Chernichenko, Mr. Eide and Ms. Palley.

55. Ms. Palley proposed deferring consideration of the draft resolution until the following meeting.

56. At the request of Ms. Palley, a vote was taken on her proposal. The proposal was adopted by 8 votes to 2, with 6 abstentions.

57. At the 36th meeting, on 30 August 1991, the Sub-Commission again considered draft resoluton E/CN.4/Sub.2/1991/L.2.

58. Ms. Palley revised the draft resolution as follows:

In operative paragraphs 4(a) and (b) the words "relevant and reliable sources" were replaced by the words "Governments, other United Nations bodies and non-governmental organizations";

In operative paragraph 4(c) the words "from such sources" were inserted after the word "gathered".

59. A statement relating to the draft resolution was made by Mr. Al-Khasawneh.

60. Mr. Chernichenko proposed deferring consideration of the draft resolution to the forty-fourth session of the Sub-Commission.

61. At the request of Mr. Chernichenko, a vote was taken on his proposal.

62. Statements in explanation of the vote before the vote were made by Mr. Alfonso Martínez, Ms. Attah, Mr. van Boven, Mr. Eide, Mr. Khalil, Ms. Palley and Mr. Treat.

63. The proposal was adopted by 11 votes to 4, with 5 abstentions.

64. For the text of the decisions see chapter II, section B, decision 1991/116.

65. At the 35th meeting, on 29 August 1991, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1991/L.25, sponsored by Mr. Alfonso Martínez, Mr. Al-Khasawneh, Ms. Attah, Ms. Bautista, Mr. van Boven, Ms. Daes, Mr. Despouy, Mr. Eide, Mr. Guissé, Mr. Hatano, Mr. Heller, Mr. Ilkahanaf, Mr. Khalil, Ms. Ksentini, Mr. Maxim, Mr. Rivas Posada, Mr. Saboia, Mr Sachar, Mr. Tian Jin, Mr. Treat, Mr. Türk and Mr. Yimer.

66. The attention of the Sub-Commission was drawn to an estimate of the administrative and programme budget implications 2/ (E/CN.4/Sub.2/1991/L.54) of draft resolution E/CN.4/Sub.2/1991/L.25.

67. A statement relating to the draft resolution was made by Mr. Eide.

68. The draft resolution was adopted without a vote.

69. For the text as adopted, see chapter II, section A, resolution 1991/23.

70. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1991/L.28, sponsored by Mr. Alfonso Martínez, Mr. Al-Khasawneh, Ms. Attah, Ms. Bautista, Mr. van Boven, Mr. Chernichenko, Ms. Daes, Mr. Despouy, Mr. Hatano, Mr. Heller, Mr. Khalil, Mr. Maxim, Mr. Saboia, Mr. Sachar, Mr. Treat, Ms. Warzazi and Mr. Zhan Daode. Mr. Guissé, Mr. Ilkahanaf and Mr. Yimer subsequently also became sponsors.

71. The attention of the Sub-Commission was drawn to an estimate of the administrative and programme budget implications 2/ (E/CN.4/Sub.2/1991/L.57) of draft resolution E/CN.4/Sub.2/1991/L.28.

72. The draft resolution was adopted without a vote.

73. For the text as adopted, see chapter II, section A, resolution 1991/24.

74. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1991/L.33, sponsored by Mr. Al-Khasawneh, Ms. Attah, Ms. Bautista, Ms. Daes, Mr. Eide, Mr. Flinterman, Mr. Hatano, Mr. Ilkahanaf, Mr. Khalil, Mr. Maxim, Mr. Rivas Posada and Mr. Yimer. Mr. Guissé and Mr. Sachar subsequently also became sponsors.

75. The attention of the Sub-Commission was drawn to an estimate of the administrative and programme budget implications 2/ (E/CN.4/Sub.2/1991/L.61) of draft resolution E/CN.4/Sub.2/1991/L.33.

76. Mr. Alfonso Martínez proposed amending the draft resolution by replacing the word "further" in operative paragraph 3 by the word "second". The sponsors accepted the proposed amendment.

77. Statements relating to the draft resolution and the amendment thereto were made by Mr. van Boven and Ms. Ksentini.

78. The draft resolution, as amended, was adopted without a vote.

79. For the text as adopted, see chapter II, section A, resolution 1991/25.

80. At the same meeting, the Sub-Commission considered draft decision E/CN.4/Sub.2/1991/L.37, sponsored by Mr. Alfonso Martínez, Mr. van Boven, Mr. Chernichenko, Mr. Despouy, Mr. Eide, Mr. Guissé, Mr. Heller, Mr. Khalil, Mr. Maxim, Mr. Treat, Ms. Warzazi, Mr. Yimer and Mr. Yokota.

81. Mr. van Boven revised the draft decision by deleting the words "the framework of" after the words "working paper in" and by deleting the words "programme of" before the word "work".

82. The draft decision was adopted without a vote.

83. For the text as adopted, see chapter II, section B, decision 1991/107.

84. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1991/L.43, sponsored by Mr. Al-Khasawneh, Mr. van Boven, Mr. Guissé, Mr. Khalil and Mr. Türk. Mr. Khalil subsequently withdrew his sponsorship.

85. Mr. van Boven revised the draft resolution as follows:

In the third preambular paragraph of the draft resolution recommended for adoption by the Economic and Social Council, the words "West Bank, including East Jerusalem, and the Gaza Strip" were replaced by the words "territories occupied since 1967";

In the fourth preambular paragraph of the draft resolution recommended for adoption by the Economic and Social Council, the words "Security Council resolution 465 (1980)" were replaced by the words "Security Council resolutions 446 (1979) and 465 (1980)" and the words "West Bank, including East Jerusalem, and the Gaza Strip" were replaced by the words "territories occupied since 1967";

In the operative paragraph of the draft resolution recommended for adoption by the Economic and Social Council, the words "West Bank, including East Jerusalem, and the Gaza Strip" were replaced by the words

"territories occupied since 1967" and the words "Security Council resolution 465 (1980)" were replaced by the words "Security Council resolutions 446 (1979) and 465 (1980)".

86. Statements relating to the draft resolution were made by Mr. Al-Khasawneh, Mr. Chernichenko, Mr.Khalil, Mr. Maxim, Mr. Sachar and Mr. Treat.

87. A statement was made by the observer for the Syrian Arab Republic.

88. At the request of Mr. Türk, a vote was taken on the draft resolution.

89. The draft resolution, as revised, was adopted by 10 votes to 4, with 6 abstentions.

90. Statements in explanation of vote after the vote were made by Mr. Al-Khasawneh, Ms. Daes, Ms. Palley and Mr. Sachar.

91. For the text as adopted, see chapter II, section A, resolution 1991/38.

92. At the same meeting, the Sub-Commission considered draft decision E/CN.4/Sub.2/1991/L.52, sponsored by Mr. Alfonso Martínez, Mr. Al-Khasawneh, Ms. Bautista, Mr. Chernichenko, Mr. Despouy, Mr. Eide, Mr. Guissé, Mr. Hatano, Mr. Heller, Mr. Ilkahanaf, Mr. Khalil, Ms. Ksentini, Mr. Maxim, Mr. Rivas Posada, Mr. Saboia, Mr. Sachar, Ms. Warzazi and Mr. Yimer.

93. The draft decision was adopted without a vote.

94. For the text as adopted, see chapter II, section B, decision 1991/108.

95. At the same meeting, the Sub-Commission considered draft decision E/CN.4/Sub.2/1991/L.64, sponsored by Mr. van Boven. Ms. Daes subsequently also became a sponsor.

96. The attention of the Sub-Commission was drawn to an estimate of the administrative and programme budget implications 2/ (E/CN.4/Sub.2/1991/L.73) of draft decision E/CN.4/Sub.2/1991/L.64.

97. Statements relating to the draft decision were made by Ms. Daes and Mr. Eide.

98. The draft decision was adopted without a vote.

99. For the text as adopted, see chapter II, section B, decision 1991/109.

100. At the same meeting, the Sub-Commission considered draft decision E/CN.4/Sub.2/1991/L.71, sponsored by Mr. Al-Khasawneh, Ms. Attah, Mr. van Boven, Mr. Chernichenko, Ms. Daes, Mr. Despouy, Mr. Eide, Mr. Hatano, Mr. Heller, Mr. Ilkahanaf, Mr. Khalil, Ms. Ksentini, Ms. Palley, Mr. Rivas Posada, Mr. Saboia, Mr. Treat, Mr. Türk, Ms. Warzazi and Mr. Yimer.

101. The draft decision was adopted without a vote.

102. For the text as adopted, see chapter II, section B, decision 1991/110.

103. At the 36th meeting, on 30 August 1991, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1991/L.77, sponsored by Mr. Al-Khasawneh, Ms. Attah, Mr. van Boven, Mr. Despouy, Mr. Eide, Mr. Ilkahanaf, Mr. Khalil, Mr. Maxim, Ms. Palley, Mr. Rivas Posada, Mr. Saboia, Mr. Sachar, Mr. Treat and Mr. Yimer.

104. Statements relating to the draft resolution were made by Mr. Alfonso Martínez, Ms. Attah, Mr. Despouy, Ms. Ksentini and Mr. Türk.

105. The attention of the Sub-Commission was drawn to an estimate of the administrative and programme budget implications 2/ (E/CN.4/Sub.2/1991/L.78) of draft resolution E/CN.4/Sub.2/1991/L.77.

106. The draft resolution was adopted without a vote.

107. For the text as adopted, see chapter II, section A, resolution 1991/39.

VI. ELIMINATION OF RACIAL DISCRIMINATION

A. MEASURES TO COMBAT RACISM AND RACIAL DISCRIMINATION AND THE ROLE OF THE SUB-COMMISSION

108. The Sub-Commission considered subitem (a) of agenda item 5 at its 5th to 8th, 18th and 21st meetings, held on 7 to 9, 19 and 20 August 1991.

109. The Sub-Commission had before it the following documents in connection with its consideration of the subitem:

Note by the Secretary-General on the outline of ways and means necessary to increase the effectiveness of United Nations action to combat racism and racial discrimination (E/CN.4/Sub.2/1991/11);

Note by the Secretary-General on the overview of current trends of racism, discrimination, intolerance and xenophobia against vulnerable groups in the world (E/CN.4/Sub.2/1991/12);

Report of the Seminar on the political, historical, economic, social and cultural factors contributing to racism, racial discrimination and apartheid (E/CN.4/1991/63 and Add.1).

110. At the 5th meeting, on 7 August 1991, the subitem was introduced by a representative of the Centre for Human Rights.

111. In the general debate on the subitem, statements 1/ were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (7th), Ms. Attah (6th), Ms. Bautista (6th), Mr. van Boven (6th), Mr. Diaconu (6th), Mr. Eide (5th and 7th), Mr. Guissé (5th and 6th), Mr. Heller (6th), Mr. Ilkahanaf (7th), Ms. Ksentini (6th), Ms. Palley (5th), Mr. Saboia (7th), Mr. Treat (5th), Ms. Warzazi (5th), Mr. Yimer (5th).

112. Statements were made by the observers for Cuba (8th), Egypt (7th) and Turkey (8th).

113. The Sub-Commission also heard statements by the following non-governmental organizations: Commission of the Churches on International Affairs of the World Council of Churches (7th), Four Directions Council (7th), International Movement for Fraternal Unión among Races and Peoples (7th), Movement Against Racism and for Friendship among Peoples (7th).

114. A statement equivalent to a right of reply was made by the observer for Japan (8th).

115. At its 18th meeting, on 19 August 1991, the Sub-Commission held a joint meeting with the Committee on the Elimination of Racial Discrimination (CERD). The Under-Secretary-General for Human Rights made a statement opening the joint meeting.

116. At the same meeting, Mr. L. Joinet, Chairman of the Sub-Commission, and Mr. A. Shahi, Chairman of the Committee on the Elimination of Racial Discrimination, made statements.

117. In the general debate of the joint meeting, statements were made by the following members of the Sub-Commission or the Committee on the Elimination of Racial Discrimination: Mr. Aboul-Nasr, Mr. Alfonso Martínez, Ms. Bautista, Mr. van Boven, Mr. Chernichenko, Ms. Daes, Mr. Despouy, Mr. Eide, Mr. Ferrero Costa, Mr. de Gouttes, Mr. Guissé, Mr. Ilkahanaf, Ms. Ksentini, Mr. Lechuga Hevia, Mr. Rhenan Segura, Mr. Rivas Posada, Mr. Saboia, Mr. Shahi, Mr. Sherifis, Mr. Treat, Ms. Warzazi, Mr. Wolfrum, Mr. Yutzis.

118. At the same meeting, Mr. Shahi, Chairman of the Committee on the Elimination of Racial Discrimination, made concluding remarks.

119. A concluding statement was also made by the Under-Secretary-General for Human Rights.

120. At the 21st meeting, on 20 August 1991, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1991/L.7/Rev.1, sponsored by Ms. Bautista, Mr. Chernichenko, Ms. Daes, Mr. Eide, Mr. Flinterman, Mr. Guissé, Mr. Heller, Mr. Ilkahanaf, Mr. Khalil, Ms. Ksentini, Mr. Maxim, Ms. Mbonu, Mr. Merrills, Mr. Saboia, Mr. Tian Jin, Mr. Treat, Mr. Türk, Ms. Warzazi and Mr. Yimer. Mr. Rivas Posada and Mr. Sachar subsequently also became sponsors.

121. In introducing the draft resolution, Ms. Ksentini drew the attention of the Sub-Commission to the addition of the following paragraphs to draft resolution E/CN.4/Sub.2/1991/L.7, which formed the basis of draft resolution E/CN.4/Sub.2/1991/L.7/Rev.1: the fourth and fifth preambular paragraphs and operative paragraphs 5, 9, 12 and 13.

122. The draft resolution was adopted without a vote.

123. For the text, as adopted, see chapter II, section A, resolution 1991/2.

B. ADVERSE CONSEQUENCES FOR THE ENJOYMENT OF HUMAN RIGHTS OF POLITICAL, MILITARY, ECONOMIC AND OTHER FORMS OF ASSISTANCE GIVEN TO THE RACIST AND COLONIALIST REGIME OF SOUTH AFRICA

124. The Sub-Commission considered subitem (b) of agenda item 5 at its 5th to 9th and 21st meetings, held on 7 to 12 and 20 August 1991.

125. In connection with its consideration of the subitem, the Sub-Commission had before it the updated report (E/CN.4/1991/13 and Add.1) prepared by Mr. A. Khalifa, Special Rapporteur.

126. At the 5th meeting, on 7 August 1991, the subitem was introduced by a representative of the Centre for Human Rights.

127. At the same meeting, the Special Rapporteur introduced his report.

128. At the 8th meeting, on 8 August 1991, the representative of the Under-Secretary-General for Human Rights made a statement.

129. In the general debate on the subitem, statements 1/ were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (7th), Ms. Attah (6th and 8th), Ms. Bautista (6th), Mr. van Boven (6th and 8th), Mr. Despouy (7th), Mr. Diaconu (6th), Mr. Eide (5th and 7th), Mr. Flinterman (8th), Mr. Guissé (5th and 6th), Mr. Heller (6th), Mr. Ilkahanaf (7th), Mr. Khalifa (8th), Ms. Ksentini (6th), Ms. Palley (5th), Mr. Rivas Posada (6th), Mr. Saboia (7th), Mr. Sachar (7th), Mr. Sadi (6th), Mr. Tian Jin (6th), Mr. Treat (5th and 7th), Ms. Warzazi (7th), Mr. Yimer (5th).

130. Statements were made by the observers for Cuba (8th), Egypt (7th), Nigeria (8th), Turkey (8th) and the Syrian Arab Republic (7th).

131. A statement was also made by the observer for the Pan Africanist Congress of Azania (6th).

132. The Sub-Commission heard statements by the following non-governmental organizations: Four Directions Council (7th), International League for the Rights and Liberation of Peoples (7th), International Movement for Fraternal Union among Races and Peoples (7th), Movement Against Racism and for Friendship among Peoples (7th).

133. A statement equivalent to a right of reply was made by the observer for the United States of America (9th).

134. At the 7th meeting, on 8 August 1991, the Special Rapporteur made his concluding remarks.

135. At the 21st meeting, on 20 August 1991, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1991/L.3, sponsored by Mr. Alfonso Martínez, Ms. Attah, Ms. Bautista, Mr. van Boven, Mr. Chernichenko, Ms. Daes, Mr. Despouy, Mr. Eide, Mr. Guissé, Mr. Hatano, Mr. Heller, Mr. Ilkahanaf, Ms. Ksentini, Mr. Maxim, Mr. Merrills, Mr. Rivas Posada, Mr. Saboia, Mr. Sachar, Mr. Tian Jin, Ms. Warzazi and Mr. Yimer. Mr. Khalil and Mr. Al-Khasawneh subsequently also became sponsors.

136. The attention of the Sub-Commission was drawn to an estimate of the administrative and programme budget implications 2/ (E/CN.4/Sub.2/1991/L.8) of draft resolution E/CN.4/Sub.2/1991/L.3.

137. The draft resolution was adopted without a vote.

138. For the text as adopted, see chapter II, section A, resolution 1991/1.

VII. QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

139. The Sub-Commission considered item 6 at its 9th to 16th and 27th to 28th meetings, held from 12 to 16 and from 23 to 26 August 1991.

140. The Sub-Commission had before it the following documents in connection with its consideration of the item:

Note by the Secretary-General pursuant to Sub-Commission resolution 1990/9 concerning the situation of human rights in the Islamic Republic of Iran (E/CN.4/Sub.2/1991/14);

Note by the Secretary-General pursuant to Sub-Commission resolution 1991/12 concerning the question of Palestine and other Arab occupied territories (E/CN.4/Sub.2/1991/15);

Note verbale dated 6 May 1991 from the Permanent Mission of the Republic of Albania to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights (E/CN.4/Sub.2/1991/46);

Note verbale dated 3 July 1991 from the Permanent Mission of the Republic of Iraq to the United Nations Office at Geneva addressed to the Centre for Human Rights (E/CN.4/Sub.2/1991/51);

List of studies and reports prepared pursuant to Sub-Commission decision 1989/103: Note by the Secretary-General (E/CN.4/Sub.2/1990/2);

Written statement submitted by Habitat International Coalition, a non-governmental organization on the Roster (E/CN.4/Sub.2/1991/NGO/9);

Written statement submitted by Human Rights Advocates, a non-governmental organization on the Roster (E/CN.4/Sub.2/1991/NGO/12);

Written statement submitted by the International League for the Rights and Liberation of Peoples, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1991/NGO/14);

Written statement submitted by International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1991/NGO/16);

Written statement submitted by Pax Christi - International Catholic Peace Movement, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1991/NGO/24);

Written statement submitted by Anti-Slavery International, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1991/NGO/33).

141. At the 9th meeting, on 12 August 1991, the item was introduced by a representative of the Centre for Human Rights.

142. In the general debate on the item, statements 1/ were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (15th), Ms. Attah (10th), Ms. Bautista (11th), Mr. van Boven (12th), Mr. Chernichenko (15th), Mr. Despouy (15th), Mr. Eide (9th and 13th), Mr. Heller (12th), Mr. Ilkahanaf (11th), Mr. Khalifa (10th), Ms. Ksentini (12th), Mr. Maxim (13th), Mr. Saboia (12th), Mr. Sachar (12th), Mr. Tian Jin (15th), Mr. Treat (15th and 16th), Mr. Türk (15th), Ms. Warzazi (9th and 10th).

143. Statements were made by the observers for: China (13th), Colombia (13th), Cyprus (13th), Indonesia (13th), Iran (Islamic Republic of) (13th), Iraq (13th), Lebanon (13th), Morocco (13th), Myanmar (13th), Peru (13th), Portugal (13th), Sri Lanka (13th), Syrian Arab Republic (13th), Turkey (13th).

144. A statement was made by the observer for Palestine (9th).

145. A statement was also made by the observer for the Pan Africanist Congress of Azania (9th).

146. The Sub-Commission also heard statements by representatives of the following non-governmental organizations: American Association of Jurists (11th), Amnesty International (10th), Andean Commission of Jurists (11th), Anti-Slavery International (10th), Arab Organization for Human Rights (10th), Baha'i International Community (10th), Centre Europe - Tiers Monde (10th), Four Directions Council (10th), Habitat International Coalition (12th), Human Rights Advocates (10th), Indigenous World Association (13th), International Association against Torture (13th), International Association for the Defence of Religious Liberty (11th), International Commission of Jurists (10th), International Educational Development Inc. (11th), International Falcon Movement (12th), International Federation of Human Rights (13th), International Federation Terres des Hommes (11th), International Fellowship of Reconciliation (13th), International Indian Treaty Council (12th), International League for the Rights and Liberation of Peoples (11th), International Movement for Fraternal Union among Races and Peoples (12th), International Organization for the Elimination of All Forms of Racial Discrimination (13th), International Progress Organization (10th), International Work Group for Indigenous Affairs (10th), Liberation (10th), Minority Rights Group (12th), Movement against Racism and for Friendship among Peoples (11th), National Aboriginal and Islanders Legal Services Secretariat (11th), Pax Christi - International Catholic Peace Movement (9th), Union of Arab Jurists (13th), Women's International League for Peace and Freedom (12th), World Federation of Trade Unions (13th), World Organization against Torture (13th), World Union for Progressive Juadaism (10th), World University Service (11th).

147. Statements equivalent to a right of reply were made by the observers for: Bhutan (13th), Cyprus (15th), India (13th), Indonesia (15th), Iraq (11th), Mauritania (15th), Philippines (13th), Portugal (15th), Turkey (13th), Syrian Arab Republic (13th).

148. Statements equivalent to a second right of reply were made by the observers for Indonesia (15th) and Iraq (15th).

149. At its 27th meeting, on 23 August 1991, the Sub-Commission decided, without a vote, that any vote on draft resolutions submitted under item 6 of the agenda pertaining to allegations of violations of human rights in countries should be taken by secret ballot.

150. At the same meeting, Mr. Alfonso Martínez requested that, in accordance with rule 57 of the rules of procedure of the functional commissions of the Economic and Social Council, a vote be taken on all draft resolutions submitted under agenda item 6 pertaining to allegations of violations of human rights in countries.

151. Statements in connection with the request made by Mr. Alfonso Martínez were made by Ms. Attah, Mr. van Boven, Mr. Despouy, Mr. Heller, Mr. Ilkahanaf, Ms. Ksentini, Mr. Treat, Ms. Warzazi and Mr. Yimer.

152. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1991/L.5, sponsored by Mr. Alfonso Martínez, Ms. Attah, Ms. Bautista, Mr. van Boven, Mr. Chernichenko, Mr. Eide, Mr. Guissé, Mr. Hatano, Mr. Heller, Mr. Hitters, Mr. Ilkahanaf, Mr. Khalifa, Ms. Ksentini, Mr. Saboia, Mr. Sachar, Mr. Tian Jin, Ms. Warzazi and Mr. Yimer.

153. Ms. Attah revised the draft resolution by inserting the following new preambular paragraph after the fourth preambular paragraph:

> "Welcoming also the accord of 16 August 1991 between the United Nations and the Government of South Africa which opens the way for refugees to return to South Africa and for the release of political prisoners,"

and by replacing the word "resided" in operative paragraph 3 by the word "resulted".

154. Pursuant to the request made by Mr. Alfonso Martínez, a vote was taken on the draft resolution.

155. The draft resolution, as revised, was adopted by secret ballot by 20 votes to none, with 1 abstention.

156. For the text as adopted, see chapter II, section A, resolution 1991/4.

157. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1991/L.13, sponsored by Mr. Alfonso Martínez, Mr. van Boven, Ms. Daes, Mr. Despouy, Mr. Eide, Mr. Guissé, Mr. Heller, Mr. Ilkahanaf, Mr. Rivas Posada, Mr. Saboia and Ms. Warzazi.

158. Pursuant to the request made by Mr. Alfonso Martínez, a vote was taken on the draft resolution.

159. The draft resolution was adopted by secret ballot by 19 votes to 1, with 1 abstention.

160. For the text as adopted, see chapter II, section A, resolution 1991/5.

161. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1991/L.14, sponsored by Mr. Alfonso Martínez, Mr. Chernichenko, Mr. Ilkahanaf, Ms. Ksentini, Mr. Sachar, Mr. Tian Jin and Ms. Warzazi. Ms. Attah, Mr. Guissé and Mr. Khalil subsequently also became sponsors.

162. Pursuant to the request made by Mr. Alfonso Martínez, a vote was taken on the draft resolution.

163. The draft resolution was adopted by secret ballot by 16 votes to 2, with 4 abstentions.

164. For the text as adopted, see chapter II, section A, resolution 1991/6.

165. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1991/L.15, sponsored by Mr. Alfonso Martínez, Ms. Bautista, Mr. van Boven, Mr. Chernichenko, Ms. Daes, Mr. Despouy, Mr. Eide, Mr. Hatano, Mr. Ilkahanaf, Mr. Rivas Posada, Mr. Sachar, Mr. Türk and Mr. Yimer.

166. Ms. Ksentini proposed the following amendments to the draft resolution: to insert in the twelth preambular paragraph the words "the occupying authorities and" after the words "but not limited to"; to insert in operative paragraph 1 a new subparagraph (a) to read as follows: "The illegal, null and void character of the establishment of Israeli settlements in Palestinian and other Arab occupied territories"; and to amend operative paragraph 4 by inserting the words "and peoples" after the words "affecting large numbers of people".

167. Statements relating to the draft resolution and the proposed amendments thereto were made by Mr. van Boven, Mr. Eide, Mr. Tian Jin and Ms. Warzazi.

168. The Sub-Commission decided to defer consideration of draft resolution E/CN.4/Sub.2/1991/L.15.

169. At the 28th meeting, on 26 August 1991, the Sub-Commission resumed its consideration of draft resolution E/CN.4/Sub.2/1991/L.15.

170. Ms. Ksentini proposed amending operative paragraph 1 by inserting a new subparagraph (a) to read as follows: "The illegal, null and void character of the establishment of settlements in the occupied territories;".

171. The above amendment was further amended by Mr. Yimer, who deleted the word "the" before "occupied".

172. The draft resolution, as amended at the 28th meeting, was adopted without a vote.

173. For the text as adopted, see chapter II, section A, resolution 1991/12.

174. At the 27th meeting, on 23 August 1991, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1991/L.16, sponsored by Mr. Alfonso Martínez, Mr. Al-Khasawneh, Mr. van Boven, Mr. Rivas Posada, Mr. Türk and Mr. Yimer.

175. Statements relating to the draft resolution were made by Mr. Al-Khasawneh, Mr. van Boven, Mr. Guissé, Mr. Ilkahanaf, Mr. Treat and Ms. Warzazi.

176. Mr. Al-Khasawneh revised the fourth preambular paragraph by replacing the words "reliable and" by the words "allegations relating to".

177. The observer for Kuwait made a statement.

178. Pursuant to the request made by Mr. Alfonso Martínez, a vote was taken on the draft resolution.

179. The draft resolution, as revised, was adopted by secret ballot by 16 votes to 4, with 2 abstentions.

180. For the text as adopted, see chapter II, section A, resolution 1991/7.

181. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1991/L.17, sponsored by Ms. Bautista, Mr. van Boven, Mr. Eide, Mr. Despouy, Mr. Maxim, Mr. Merrills, Mr. Rivas Posada and Mr. Treat.

182. Statements relating to the draft resolution were made by Mr. Guissé, Mr. Tian Jin and Ms. Warzazi.

183. Pursuant to the request made by Mr. Alfonso Martínez, a vote was taken on the draft resolution.

184. The draft resolution was adopted by secret ballot by 14 votes to 4, with 4 abstentions.

185. For the text as adopted, see chapter II, section A, resolution 1991/8.

186. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1991/L.18, sponsored by Ms. Bautista, Mr. van Boven, Mr. Eide and Mr. Treat.

187. Pursuant to the request made by Mr. Alfonso Martínez, a vote was taken on the draft resolution.

188. The draft resolution was adopted by secret ballot by 19 votes to 2, with 1 abstention.

189. For the text as adopted, see chapter II, section A, resolution 1991/9.

190. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1991/L.19, sponsored by Ms. Bautista and Mr. van Boven.

191. Statements relating to the draft resolution were made by Mr. van Boven and Mr. Tian Jin.

192. The observer for China made a statement.

193. Pursuant to the request made by Mr. Alfonso Martínez, a vote was taken on the draft resolution.

194. The draft resolution was adopted by secret ballot by 9 votes to 7, with 4 abstentions.

195. For the text as adopted, see chapter II, section A, resolution 1991/10.

196. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1991/L.21, sponsored by Mr. Merrills and Mr. Treat.

197. The draft resolution was withdrawn by the sponsors.

198. The draft resolution read as follows:

"The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Disturbed by recent destabilizing political events in the Union of Soviet Socialist Republics and the consequent difficulties these may impose on the Government of the Soviet Union in seeking to comply with its commitments regarding alleged human rights violations in certain parts of the Soviet Union,

Concerned by reports about the recent tragic acts of violence involving violations of human rights, including the right to life, to freedom of information and to take part in the conduct of public affairs, which have occurred in Vilnius, Lithuania and Riga, Latvia as well as at customs posts in Estonia, Latvia and Lithuania,

Aware that the Chairman of the Commission on Human Rights stated, at a meeting of the Commission on 26 February 1991, that there were unresolved problems in the field of human rights in Lithuania and Latvia and urged the authorities concerned to ensure that human rights and fundamental freedoms were fully enjoyed, without discrimination, in Latvia and Lithuania,

Noting with appreciation the decision announced by the Government of the Soviet Union to conduct a thorough investigation of these events and to bring to justice those responsible for violations of the rights and freedoms of individuals,

Noting that the Government of the Soviet Union has expressed its willingness to communicate to the Chairman of the Commission on Human Rights the results of the investigation, but that the Chairman of the Commission on Human Rights has not yet been so informed,

1. Expresses its concern and desire that the Union of Soviet Socialist Republics fully investigate the above-mentioned events in Estonia, Latvia and Lithuania;

2. Urges the authorities concerned to submit a full report of the investigation to the Commission on Human Rights as soon as possible;

3. Request the Commission on Human Rights to make available to the Sub-Commission at its forty-fourth session the findings of the investigation."

199. Statements in connection with the withdrawal of the draft resolution were made by Mr. Chernichenko, Mr. Eide, Mr. Treat, Mr. Türk and Ms. Warzazi at the 28th meeting, on 26 August 1991, under item 10 (b) (see chap. XI).

200. Also at the 28th meeting, under agenda item 10 (b), the observer for the Union of Soviet Socialist Republics made a statement.

200 bis. At the 28th meeting, on 26 August 1991, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1991/L.20, sponsored by Mr. Maxim, Mr. Merrills and Mr. Rivas Posada.

201. Mr. Rivas Posada revised the draft resolution as follows:

(a) In the second preambular paragraph, the words "the consequences of which threatened international peace and security," were inserted after the words "in many parts of Iraq,";

(b) In the third preambular paragraph, the words "687 (1991) of 3 April 1991, in which it was decided that the prohibitions of resolution 661 (1990) against the sale or supply to Iraq of products other than medicine and health supplies would not apply to foodstuffs or essential civilian supplies and" were inserted after the words "Welcoming Security Council resolution";

(c) In the third preambular paragraph, the word "essential" was inserted after the words "medicine and materials for"; and

(d) The word "essential" after the words "for the purchase of" was deleted;

(e) In operative paragraph 5 the words "Shi'ite and Kurdish" were replaced by the words "Shi'ites, Kurdish and other".

202. Statements relating to the draft resolution and the revisions thereto were made by Mr. Alfonso Martínez, Mr. Guissé, Mr. Ilkahanaf, Ms. Ksentini, Mr. Sachar, Mr. Treat and Ms. Warzazi.

203. Mr. Rivas Posada further revised the draft resolution as follows:

(a) In operative paragraph 5, the word "Recommends" was replaced by the words "Expresses the hope";

(b) Operative paragraph 4, reading as follows:

"Encourages the Secretary-General to take all appropriate steps to establish, under United Nations control and supervision, a human rights monitoring operation within Iraq;"

was deleted;

(c) Operative paragraph 5, as revised, reading:

"Recommends that the Special Rapporteur appointed pursuant to Commission on Human Rights resolution 1991/74 of 6 March 1991 include in his report information on the living conditions of the large numbers of Shi'ite, Kurdish and other refugees in Iran, Turkey and Saudi Arabia;"

was deleted.

204. Ms. Ksentini proposed the following amendments to the draft resolution:

(a) To insert a new preambular paragraph after the sixth preambular paragraph, reading as follows:

"Recalling the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, in particular article 23 thereof."

(b) To insert a new operative paragraph 4, reading as follows:

"Encourages the Secretary-General of the United Nations to take all humanitarian measures required in order to satisfy the urgent needs of the population."

205. Statements relating to the draft resolution and the amendments thereto were made by Mr. Alfonso Martínez, Ms. Attah, Mr. Rivas Posada, Mr. Treat and Ms. Warzazi.

206. The proposed new preambular paragraph was accepted by the sponsors of the draft resolution. Ms. Ksentini subsequently withdrew the proposed new operative paragraph 4.

207. Mr. Al-Khasawneh proposed amending the third preambular paragraph by replacing the word "Welcoming" by the words "Taking note of". The amendment was accepted by the sponsors.

208. The observer for Iraq made a statement.

209. Pursuant to the request made by Mr. Alfonso Martínez at the 27th meeting, a vote was taken on the draft resolution.

210. The draft resolution, as revised and amended, was adopted by secret ballot by 16 votes to 2, with 4 abstentions.

211. For the text as adopted, see chapter II, section A, resolution 1991/13.

212. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1991/L.22, sponsored by Mr. Despouy, Mr. Heller, Mr. Rivas Posada and Mr. Saboia.

213. Mr. van Boven amended the draft resolution as follows:

(a) In the last preambular paragraph the words "acts contrary to the undertakings given continue to occur" were replaced by the words "there has not been substantial progress in the judicial inquiry and the punishment of those guilty of the murders on 16 November 1989 at the Central American University";

(b) A new operative paragraph was inserted after operative paragraph 2, reading as follows:

> "Calls upon the competent authorities to take the necessary measures to ensure that substantial progress is made in the judicial inquiry into and the punishment of those guilty of the murders committed on 16 November 1989 at the Central American University;".

214. A statement relating to the draft resolution and the amendments thereto was made by Mr. Guissé.

215. The observer for El Salvador made a statement.

216. Pursuant to the request made by Mr. Alfonso Martínez at the 27th meeting, a vote was taken on the draft resolution.

217. The draft resolution, as amended, was adopted by secret ballot by 18 votes to 1, with 3 abstentions.

218. For the text as adopted, see chapter II, section A, resolution 1991/11.

VIII. THE NEW INTERNATIONAL ECONOMIC ORDER AND THE PROMOTION OF HUMAN RIGHTS

A. THE ROLE AND EQUAL PARTICIPATION OF WOMEN IN DEVELOPMENT

219. The Sub-Commission considered item 7 together with item 8 (see chap. IX) at its 31st to 35th meetings, from 27 to 29 August 1991.

220. In relation to agenda item 7, the Sub-Commission had before it the following documents:

Letter dated 16 August 1991 from the Permanent Representative of the Republic of Iraq to the United Nations Office at Geneva addressed to the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1991/59);

Written statement submitted by Disabled Peoples' International, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1991/NGO/37);

Report of the Commission on the Status of Women on its thirty-fifth session (E/1991/28).

221. At the 31st meeting, on 27 August 1991, item 7 was introduced by a representative of the Centre for Human Rights.

222. In the general debate on item 7, statements 1/ were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (33rd), Mr. Despouy (32nd), Mr. Flinterman (32nd), Mr. Guissé (32nd), Ms. Mbonu (32nd), Mr. Treat (33rd), Ms. Warzazi (32nd).

223. A statement was also made by the observer for Iraq (34th).

224. The Sub-Commission also heard statements by the following non-governmental organizations: American Association of Jurists (33rd), International League for the Rights and Liberation of Peoples (33rd), International Movement for Fraternal Union among Races and Peoples (33rd).

225. At the 35th meeting, on 29 August 1991, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1991/L.23, sponsored by Ms. Bautista, Mr. van Boven, Mr. Chernichenko, Mr. Despouy, Mr. Eide, Mr. Khalil, Mr. Ilkahanaf, Mr. Rivas Posada, Mr. Treat, Mr. Türk and Mr. Yimer. Mr. Al-Khasawneh, Mr. Guissé, Ms. Ksentini, Mr. Maxim and Mr. Sachar subsequently also became sponsors.

226. Mr. Despouy revised the draft resolution as follows:

(a) In the second preambular paragraph of the draft resolution recommended for adoption by the Commission on Human Rights, the words "that the establishment of a new international economic order requires" were replaced by the words "the necessity for"; the words "or illicit" were

inserted after the word "fraudulent"; the word "major" was deleted before the word "obstacle"; and the words "economic development" were replaced by the word "economies";

(b) In the third preambular paragraph of the draft resolution recommended for adoption by the Commission on Human Rights, the word "systemic" was replaced by the word "systematic";

(c) In the seventh preambular paragraph of the draft resolution recommended for adoption by the Commission on Human Rights, the words "and even indispensable" after the word "necessary" were deleted, the word "these" was inserted after the words "removal of" and the words "essential to their development" after the word "resources" were deleted;

(d) In the ninth preambular paragraph of the draft resolution recommended for adoption by the Commission on Human Rights, the word "facilitating" was replaced by the words "contributing to";

(e) The twelfth preambular paragraph of the draft resolution recommended for adoption by the Commission on Human Rights, reading as follows, was deleted:

> "Convinced that the fraudulent enrichment of top State officials constitutes, for all countries, one of the main obstacles to the realization of the economic, social and cultural rights embodied in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and that this phenomenon should be studied as a special problem which developing countries face in their efforts to realize human rights,";

(f) In the operative paragraph of the draft resolution recommended for adoption by the Commission on Human Rights, the words "and the study of special problems developing countries face in their efforts to realize those rights" at the end of the paragraph were deleted.

227. The draft resolution, as revised, was adopted without a vote.

228. For the text as adopted, see chapter II, section A, resolution 1991/36.

IX. THE REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

229. The Sub-Commission considered item 8, together with item 7 (see chapter VIII), at its 31st to 35th meetings, from 27 to 29 August 1991.

230. The Sub-Commission had before it the following documents in connection with its consideration of item 8:

Realization of economic, social and cultural rights: Second progress report prepared by Mr. D. Türk, Special Rapporteur, (E/CN.4/Sub.2/1991/17);

Report on the method and plan of work for the study on human rights and extreme poverty submitted by Mr. E. Suescún Monroy, expert appointed pursuant to Sub-Commission decision 1990/119 (E/CN.4/Sub.2/1991/18);

Human Rights and extreme poverty: Report of the Secretary-General (E/CN.4/Sub.2/1991/38 and Add.1);

Working paper prepared by Ms. C.E. Mbonu on the human rights dimensions of population transfer, including the implantation of settlers and settlements: Note by the secretariat (E/CN.4/Sub.2/1991/47);

Letter dated 8 August 1991 from the Permanent Representative of Turkey to the United Nations Office at Geneva addressed to the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1991/54);

Letter dated 16 August 1991 from the Permanent Representative of the Republic of Iraq to the United Nations Office at Geneva addressed to the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1991/59);

Written statement submitted by the International Monetary Fund (E/CN.4/Sub.2/1991/63);

Working paper submitted by Mr. D. Türk (E/CN.4/Sub.2/1991/WP.3);

Written statement submitted by Habitat International Coalition, a non-governmental organization on the Roster (E/CN.4/Sub.2/1991/NGO/2);

Written statement submitted by the Four Directicns Council, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1991/NGO/6);

Written statement submitted by the American Association of Jurists, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1991/NGO/7);

Written statement submitted by Food First Information and Action Network - FIAN, a non-governmental organization on the Roster (E/CN.4/Sub.2/1991/NGO/8);

Written statement submitted by the International Federation Terres des Hommes, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1991/NGO/29);

Written statement submitted by International Work Group for Indigenous Affairs, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1991/NGO/31).

231. At the 31st meeting, on 27 August 1991, item 8 was introduced by a representative of the Centre for Human Rights.

232. At the same meeting, Mr. E. Suescún Monroy introduced his report (E/CN.4/Sub.2/1991/18).

233. At the 32nd meeting, 28 August 1991, the Special Rapporteur, Mr. D. Türk, introduced his report (E/CN.4/Sub.2/1991/17).

234. At the same meeting, Ms. C. Mbonu presented her working paper (E/CN.4/Sub.2/1991/47).

235. In the general debate on item 8, statements 1/ were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (33rd), Mr. Al-Khasawneh (33rd), Ms. Daes (33rd), Mr. Despouy (32nd), Mr. Eide (32nd), Mr. Flinterman (32nd), Mr. Guissé (32nd), Ms. Mbonu (32nd), Ms. Palley (33rd), Mr. Saboia (32nd), Mr. Sachar (32nd), Mr. Treat (33rd), Ms. Warzazi (32nd), Mr. Yokota (32nd), Mr. Zhan Daode (32nd).

236. A statement was made by the observer for Iraq (34th).

237. The Sub-Commission also heard statements by representatives of the following non-governmental organizations: American Association of Jurists (33rd), Centre Europe - Tiers Monde (33rd), Four Directions Council (33rd), Habitat International Coalition (33rd), International Association against Torture (33rd), International Commission of Jurists (33rd), International Educational Development Inc. (33rd), International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and other Minorities (33rd), International Federation of Human Rights (33rd), International Federation Terres des Hommes (33rd), International League for the Rights and Liberation of Peoples (33rd), International Movement ATD Fourth World (33rd), International Movement for Fraternal Union among Races and Peoples (33rd), International Organization for the Development of Freedom of Education (33rd), International Organization for the Elimination of All Forms of Racial Discrimination (33rd), Pax Christi - International Catholic Peace Movement (33rd), War Resisters International (33rd), World Conference on Religion and Peace (33rd).

238. Statements equivalent to a right of reply were made by the observers for Turkey (33rd) and Yugoslavia (34th).

239. At the 33rd meeting, on 28 August 1991, the Special Rapporteur, Mr. D. Türk, made his concluding remarks.

240. At the same meeting, Ms. Mbonu made her concluding remarks.

241. At its 35th meeting, on 29 August 1991, the Sub-Commission took up consideration of draft resolution E/CN.4/Sub.2/1991/L.26, sponsored by Mr. Alfonso Martínez, Ms. Attah, Ms. Bautista, Ms. Daes, Mr. Eide, Mr. Ilkahanaf, Ms. Ksentini, Mr. Rivas Posada, Mr. Saboia, Mr. Sachar, Mr. Tian Jin, Mr. Türk, Ms. Warzazi and Mr. Yimer. Mr. Guissé, Mr. Heller and Mr. Maxim subsequently also became sponsors.

242. Ms. Warzazi revised the draft resolution by inserting the name of Mr. Rajindar Sachar in the blank space in operative paragraphs 4 to 7.

243. Statements relating to the draft resolution and the revision thereto were made by Mr. van Boven, Mr. Ilkahanaf, Mr. Tian Jin and Mr. Türk.

244. The attention of the Sub-Commission was drawn to an estimate of the administrative and programme implications 2/ (E/CN.4/Sub.2/1991/L.58) of draft resolution E/CN.4/Sub.2/1991/L.26.

245. The draft resolution, as revised, was adopted without a vote.

246. For the text as adopted, see chapter II, section A, resolution 1991/26.

247. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1991/L.34, sponsored by Mr. Alfonso Martínez, Mr. Al-Khasawneh, Ms. Attah, Ms. Bautista, Mr. van Boven, Mr. Chernichenko, Mr. Eide, Mr. Ilkahanaf, Mr. Maxim, Mr. Rivas Posada, Mr. Türk, Ms. Warzazi and Mr. Yimer. Ms. Daes, Mr. Guissé, Ms. Palley, Mr. Saboia and Mr. Sachar subsequently also became sponsors.

248. Ms. Warzazi revised the draft resolution by replacing the eighth preambular paragraph, reading:

> "Noting the growing interest in the design of human rights indicators among international programmes and agencies, including the United Nations Development Programme in its Human Development Report 1991 and the World Bank in its World Development Report 1991,"

by a new paragraph.

249. Statements relating to the draft resolution and the revision thereto were made by Ms. Ksentini, Mr. Tian Jin and Mr. Türk.

250. The attention of the Sub-Commission was drawn to an estimate of the administrative and programme budget implications 2/ (E/CN.4/Sub.2/1991/L.62) of draft resolution E/CN.4/Sub.2/1991/L.34.

251. The draft resolution, as revised, was adopted without a vote.

252. For the text as adopted, see chapter II, section A, resolution 1991/27.

253. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1991/L.38, sponsored by Ms. Baustista, Mr. van Boven, Ms. Daes, Mr. Despouy, Mr. Eide and Mr. Türk.

254. Ms. Palley proposed the following amendments to operative paragraph 2 of the draft resolution:

(a) To insert the word "such" before the words "other relevant materials";

(b) To replace the words "that may become available to the Sub-Commission" by the words "as may be provided to the Secretary-General by non-governmental organizations or in reports of other United Nations bodies".

255. Ms. Warzazi proposed amending operative paragraph 2 of the draft resolution by replacing the words "an item on" with the words "the question of".

256. The amendments were accepted by the sponsors.

257. Statements relating to the draft resolution and the amendments thereto were made by Mr. Alfonso Martínez, Ms. Daes and Ms. Warzazi.

258. The draft resolution, as amended, was adopted without a vote.

259. For the text as adopted, see chapter II, section A, resolution 1991/28.

260. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1991/L.50, sponsored by Mr. Al-Khasawneh, Ms. Attah, Mr. van Boven, Ms. Daes, Mr. Eide, Mr. Guissé, Mr. Hatano, Mr. Ilkahanaf, Mr. Khalil, Mr. Maxim, Mr. Rivas Posada, Mr. Saboia, Mr. Sachar, Mr. Treat, Mr. Türk and Mr. Yimer. Mr. Alfonso Martínez, Mr. Despouy, Mr. Heller, Ms. Ksentini, Ms. Palley and Ms. Warzazi subsequently also became sponsors.

261. Statements relating to the draft resolution were made by Mr. Despouy and Mr. Ilkahanaf.

262. A statement was also made by the observer for Somalia.

263. The draft resolution was adopted without a vote.

264. For the text as adopted, see chapter II, section A, resolution 1991/29.

265. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1991/L.53, sponsored by Ms. Attah, Mr. Despouy, Mr. Eide, Ms. Ksentini, Mr. Maxim, Mr. Rivas Posada and Mr. Saboia. Ms. Daes subsequently also became a sponsor.

266. The draft resolution was subsequently withdrawn by the sponsors.

267. The draft resolution read as follows:

"The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling Commission on Human Rights resolutions 1990/15 of 23 February 1990 and 1991/14 of 22 February 1991, and its own decision 1990/119,

Having taken cognizance with interest of the report of the Secretary-General entitled 'Human rights and extreme poverty' (E/CN.4/Sub.2/1991/38 and Add.1), compiled on the basis of comments supplied by, inter alia, Governments, specialized agencies and United Nations bodies,

Having examined with interest the report by Mr. Eduardo Suescún Monroy entitled 'Method and plan of work for the study on human rights and extreme poverty' (E/CN.4/Sub.2/1991/18),

Welcoming the method outlined by Mr. Suescún Monroy, consisting in relying chiefly on contributions by the poorest themselves, gathered and forwarded by the people working alongside them, relating to:

(a) The problems encountered by those living in extreme poverty in the enjoyment and exercise of their rights and fundamental freedoms,

(b) Efforts by the poorest themselves and the people and non-governmental organizations working with them to exercise those rights and participate freely and responsibly in the development of the societies in which they live,

(c) Indications of ways whereby the poorest can convey their experience and ideas and become partners in the quest for well-being for all,

(d) Conditions, means and methods for combating poverty locally, nationally and internationally, among other matters,

1. Decides to entrust to Mr. Eduardo Suescún Monroy with the compilation of the study on human rights and extreme poverty called for in Commission on Human Rights resolutions 1990/15 and 1991/14;

2. Recommends that the Commission on Human Rights adopt the following draft resolution:

'The Commission on Human Rights,

Recalling that, in accordance with the Universal Declaration of Human Rights, the International Covenants on human rights recognize that the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights,

Deeply concerned by the fact that, despite the progress achieved by the international community in ensuring the effective enjoyment of human rights, extreme poverty continues to spread throughout the world, seriously affecting the most vulnerable and disadvantaged individuals, families and groups in all countries, who are thus hindered in the exercise of their human rights and their fundamental freedoms,

Recalling its resolution 1990/15 of 23 February 1990, in which it requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to carry out a specific study on extreme poverty and exclusion from society, and its resolution 1991/14 of 22 February 1991 in which it recommended that the Sub-Commission should give attention more particularly to the conditions in which the poorest themselves could convey their experience and so contribute to a better understanding of the harsh reality of their lives and its causes,

Also recalling the progress report by Mr. Danilo Türk on the realization of economic, social and cultural rights (E/CN.4/Sub.2/1990/19) and, in particular, the sections thereof devoted to extreme poverty,

Likewise recalling Sub-Commission decision 1990/119 whereby the Sub-Commission requested Mr. Eduardo Suescún Monroy to draw up the method and plan of work for the study on human rights and extreme poverty requested by the Commission in its resolution 1990/15,

Having taken cognizance with interest of the report of the Secretary-General entitled "Human rights and extreme poverty" (E/CN.4/Sub.2/1991/38 and Add.1), compiled on the basis of comments supplied by, inter alia, Governments, specialized agencies and United Nations bodies,

Having examined with interest the report by Mr. Suescún Monroy entitled "Method and plan of work for the study on human rights and extreme poverty" (E/CN.4/Sub.2/1991/18),

1. Approves the decision by the Sub-Commission on Prevention of Discrimination and Protection of Minorities to entrust Mr. Eduardo Suescún Monroy with the compilation of the study on human rights and extreme poverty;

2. Also approves the recommendations that, in compiling the study, Mr. Suescún Monroy should explore the effects of extreme poverty on the exercise of all human rights and all fundamental freedoms in the light of the harsh reality in which the poorest live, and give attention more particularly to the conditions in which the poorest themselves can convey their experience and ideas and so contribute to a better understanding of the harsh reality of their lives;

3. Requests the Secretary-General to provide Mr. Suescún Monroy with any assistance he may need to carry out his task;

4. Also requests the Secretary-General to continue to gather the views and comments of Governments, United Nations agencies and other international, governmental and non-governmental organizations on the harsh reality of extreme poverty and the action taken to combat and eliminate it;

5. Also requests Governments, international organizations and non-governmental organizations to provide every assistance in the compilation of this study and, in particular, to encourage cooperation by those working with the extremely poor;

6. Recommends that the Economic and Social Council adopt the following draft decision:

"The Economic and Social Council, taking note of Commission on Human Rights resolution ... dated ..., endorsing the decision by the Sub-Commission on Prevention of Discrimination and Protection of Minorities to entrust Mr. Eduardo Suescún Monroy with the compilation of the study on human rights and extreme poverty, approves the Commission's request to the Secretary-General to provide Mr. Eduardo Suescún Monroy with any assistance he may need to carry out his task."'"

X. COMMUNICATIONS CONCERNING HUMAN RIGHTS: REPORT OF THE WORKING GROUP ON COMMUNICATIONS ESTABLISHED UNDER SUB-COMMISSION RESOLUTION 2 (XXIV) IN ACCORDANCE WITH ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1503 (XLVIII)

268. The Sub-Commission considered item 9 at its 29th and 30th meetings (closed parts), held on 26 and 27 August 1991.

269. By resolution 1503 (XLVIII) of 27 May 1970, the Economic and Social Council authorized the Sub-Commission to appoint a working group (Working Group on Communications) of not more than five of its members to meet annually for 10 working days, immediately before each session of the Sub-Commission, to consider all communications received by the Secretary-General under Council resolution 728 F (XXVIII) of 30 July 1959, including replies of Governments thereon, with a view to bringing to the attention of the Sub-Commission those communications which appeared to reveal a consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms.

270. The procedure to be followed by the Working Group on Communications in deciding on the admissibility of communications was established by Sub-Commission resolution 1 (XXIV) of 13 August 1971, and the Working Group itself was set up in accordance with Sub-Commission resolution 2 (XXIV) of 16 August 1971.

271. The Sub-Commission had before it a confidential report on the work of the Working Group on Communications at its nineteenth session, held from 22 July to 2 August 1991 (E/CN.4/Sub.2/1991/R.1 and addenda), certain communications which had been kept pending before the Sub-Commission since its forty-second session in 1990, as well as all Government replies relevant to the material before it. The Sub-Commission noted with satisfaction the demonstrated willingness of Governments to reply to communications forwarded to them under Economic and Social Council resolution 728 F (XXVIII). It welcomed this continued display of international cooperation which was essential to the work of the bodies entrusted with the implementation of the procedure governed by Economic and Social Council resolution 1503 (XLVIII).

272. Mr. F. Yimer, on behalf of the Chairman/Rapporteur of the Working Group on Communications, Mr. T. Ramishvili, introduced the Working Group's report and drew attention, as appropriate, to the material which was pending before the Sub-Commission since its forty-second session.

273. Following the discussion which ensued, the Sub-Commission decided, pursuant to paragraph 5 of Economic and Social Council resolution 1503 (XLVIII), to refer to the Commission on Human Rights for consideration certain particular situations which appeared to reveal a consistent pattern of gross and reliably attested violations of human rights. The Sub-Commission also decided to defer action on certain communications to its forty-fourth session in 1992 and to take no action with regard to a communication which had been kept pending before it since its last session.

274. The Working Group on Communications informed the Sub-Commission in its report that it had had before it a number of extensively documented communications about alleged gross violations of the human rights of thousands of prisoners of war and civilian internees detained in military prisons and detention camps during the Second World War. United Nations intercession was being sought to obtain compensation for the surviving victims or the next of kin of those who had died in captivity or subsequent to their release, on account of the ill-treatment, torture and forced labour allegedly inflicted or imposed on them during the time of detention. The Working Group was of the view that, appalling as the events complained of were, the procedure governed by Economic and Social Council resolution 1503 (XLVIII) could not be applied as a reparation or relief mechanism in respect of claims of compensation for human suffering or other losses which had occurred during the Second World War. By a vote of 15 in favour, 3 against, with 1 abstention, the Sub-Commission decided to concur with that interpretation of the procedure.

275. For the text of the decision, see chapter II, section B, decision 1991/104.

276. At its 30th meeting (closed part), on 27 August 1991, the Sub-Commission adopted a confidential report, pursuant to paragraph 8 of Council resolution 1503 (XLVIII), by which it communicated to the Commission on Human Rights its decisions taken under paragraph 5 of that resolution.

277. At its 37th meeting, on 30 August 1991, the Sub-Commission decided on the composition of its Working Group on Communications that would meet prior to its forty-fourth session. For the composition of the Working Group, see chapter II, section B, decision 1991/119.

XI. THE ADMINISTRATION OF JUSTICE AND THE HUMAN RIGHTS OF DETAINEES

A. QUESTION OF HUMAN RIGHTS OF PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

B. QUESTION OF HUMAN RIGHTS AND STATES OF EMERGENCY

C. INDIVIDUALIZATION OF PROSECUTION AND PENALTIES, AND REPERCUSSIONS OF VIOLATIONS OF HUMAN RIGHTS ON FAMILIES

D. THE RIGHT TO A FAIR TRIAL

278. The Sub-Commission considered item 10 together with item 11 (see chap. XII), at its 21st to 27th and 33rd meetings, held from 20 to 23 and on 28 August 1991.

279. The Sub-Commission had before it the following documents in connection with its consideration of the item:

Report of the Secretary-General containing information submitted by Governments pursuant to Sub-Commission resolution 7 (XXVII) of 20 August 1974 (E/CN.4/Sub.2/1991/19 and Add.1);

Report of the Secretary-General containing information submitted by United Nations bodies, specialized agencies and intergovernmental organizations pursuant to Sub-Commission resolution 7 (XXVII) of 20 August 1974 (E/CN.4/Sub.2/1991/20);

Synopsis of material received from non-governmental organizations in consultative status with the Economic and Social Council: Note by the Secretary-General (E/CN.4/Sub.2/1991/21);

Succinct information on developments in the human rights programme and on the activities within the United Nations programme on crime prevention and control as they relate to the question of human rights of persons subjected to any form of detention or imprisonment: Report of the Secretary-General (E/CN.4/Sub.2/1991/22);

Protection of the human rights of United Nations staff members, experts and their families: Note by the Special Rapporteur, Ms. M.C. Bautista (E/CN.4/Sub.2/1991/23);

Application of international standards concerning the human rights of detained juveniles: Report prepared by the Special Rapporteur, Ms. M.C. Bautista, pursuant to Sub-Commission resolution 1990/21 (E/CN.4/Sub.2/1991/24);

Note by the Secretary-General (E/CN.4/Sub.2/1991/25);

Consolidated list of the Secretary-General of provisions in the various United Nations standards relating to human rights in the administration of justice (E/CN.4/Sub.2/1991/26);

Report of the Working Group on Detention (E/CN.4/Sub.2/1991/27);

Fourth annual report and list of States which, since 1 January 1985, have proclaimed, extended or terminated a state of emergency, presented by Mr. L. Despouy, Special Rapporteur appointed pursuant to Economic and Social Council resolution 1985/37 (E/CN.4/Sub.2/1991/28);

The right to a fair trial: Current recognition and measures necessary for its strengthening: Second report prepared by Mr. S. Chernichenko and Mr. W. Treat in accordance with resolution 1990/18 of the Sub-Commission and resolution 1991/43 of the Commission on Human Rights (E/CN.4/Sub.2/1991/29);

Application of international standards concerning the human rights of detained juveniles: Note by the Special Rapporteur, Ms. M.C. Bautista (E/CN.4/Sub.2/1991/50);

Letter dated 8 August 1991 from the Permanent Representative of Turkey to the United Nations Office at Geneva addressed to the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1991/53);

Study of the issue of the privatization of prisons: Working paper submitted by Mr. M. Alfonso Martínez (E/CN.4/Sub.2/1991/56);

Letter dated 19 August 1991 from the Permanent Representative of Morocco to the United Nations Office at Geneva addressed to the Centre for Human Rights (E/CN.4/Sub.2/1991/60);

Working paper submitted by Mr. L. Joinet and Mr. E.H. Guissé (E/CN.4/Sub.2/1991/WP.5);

Working paper presented by Mr. J. Carey (E/CN.4/Sub.2/1991/WG.1/WP.1);

Written statement submitted by the International Federation - Terres des Hommes, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1991/NGO/18);

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1991/NGO/19);

Written statement submitted by Human Rights Advocates, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1991/NGO/26);

Written statement submitted by Human Rights Advocates, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1991/NGO/27);

Written statement submitted by Human Rights Advocates, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1991/NGO/28);

Written statement submitted by Human Rights Advocates, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1991/NGO/40);

Detention of international civil servants and their families: Updated report by the Secretary-General (E/CN.4/1991/18);

Report of the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (A/CONF.144/28).

280. At the 21st meeting, on 20 August 1991, the item was introduced by a representative of the Centre for Human Rights.

281. At the 22nd meeting, on 21 August 1991, the Under-Secretary-General for Human Rights made a statement concerning a press release (SG/SM/1231) of 19 August 1991 issued by the Secretary-General on the situation in the Union of Soviet Socialist Republics.

282. At the 23rd meeting, on 20 August 1991, Ms. M.C. Bautista introduced her report (E/CN.4/Sub.2/1991/24).

283. At the same meeting, Mr. S. Chernichenko and Mr. W. Treat introduced their report (E/CN.4/Sub.2/1991/29).

284. At the same meeting, Mr. L. Despouy introduced his report (E/CN.4/Sub.2/1991/28).

285. At the same meeting, Mr. M. Alfonso Martínez introduced his report (E/CN.4/Sub.2/1991/56).

286. At the 27th meeting, on 23 August 1991, the Chairman-Rapporteur, Mr. R. Hatano, presented the report of the Working Group on Detention (E/CN.4/Sub.2/1991/27).

287. In the general debate on the item, statements 1/ were made by the following members of the Sub-Commission: Mr. Al-Khasawneh (22nd), Mr. Alfonso Martínez (22nd and 24th), Ms. Attah (22nd), Ms. Bautista (22nd and 25th), Mr. van Boven (22nd), Mr. Chernichenko (22nd), Ms. Daes (22nd and 26th), Mr. Despouy (22nd), Mr. Eide (22nd, 25th and 26th), Mr. Flinterman (25th), Mr. Guissé (22nd, 23rd and 26th), Mr. Heller (22nd), Mr. Ilkahanaf (22nd and 27th), Mr. Khalil (22nd and 25th), Ms. Ksentini (22nd), Mr. Maxim (22nd), Mr. Merrills (22nd), Mr. Rivas Posada (22nd), Mr. Saboia (22nd), Mr. Sachar (22nd, 26th and 27th), Mr. Tian Jin (22nd), Mr. Treat (22nd and 26th), Mr. Türk (22nd and 25th), Ms. Warzazi (22nd and 24th).

288. Statements were made by the observers for Colombia (25th), Thailand (25th), Turkey (25th) and Venezuela (25th).

289. A statement was also made by the representative of the Centre for Social Development and Humanitarian Affairs, United Nations Office at Vienna (24th).

290. The Sub-Commission also heard statements by the following non-governmental organizations: American Association of Jurists (24th), Amnesty International (21st), Andean Commission of Jurists (25th), Centre Europe - Tiers Monde (23rd), Commission of the Churches on International Affairs of the World Council of Churches (23rd), Defence for Children International Movement (23rd), International Association against Torture (25th), International Association of Democratic Lawyers (24th), International Association of Educators for World Peace (24th), International Commission of Jurists (21st), International Educational Development Inc. (23rd), International Falcon Movement (24th), International Federation of Human Rights (23rd), International Human Rights Law Group (23rd), International Indian Treaty Council (24th), International League for the Rights and Liberation of Peoples (24th), International Movement for Fraternal Union among Races and Peoples (25th), International Union of Lawyers (26th), Latin American Federation of Associations of Relatives of Disappeared Detainees (24th), Liberation (24th), Movement against Racism and for Friendship among Peoples (24th), Pax Christi-International Catholic Peace Movement (24th), World Organization against Torture (24th), World Union for Progressive Judaism (24th).

291. In addition, a joint statement was made by the representative of the International Organization for the Elimination of All Forms of Racial Discrimination (24th) on behalf of the International Organization for the Elimination of All Forms of Racial Discrimination and the International Federation - Terres des Hommes.

292. Statements equivalent to a right of reply were made by the observers for: Chile (25th), Egypt (25th), Indonesia (25th), Japan (25th), Mauritania (25th), Morocco (25th), Philippines (25th), Turkey (25th), Yugoslavia (25th), Zaire (26th).

293. A statement equivalent to a right of reply was also made by the observer for the Republic of Korea.

294. At the 27th meeting, on 23 August 1991, Mr. L. Despouy made his concluding remarks.

295. At the same meeting, Mr. S. Chernichenko and Mr. W. Treat made their concluding remarks.

296. At the same meeting, Mr. M. Alfonso Martínez made his concluding remarks.

297. At the 28th meeting, on 26 August 1991, statements in connection with the withdrawal of draft resolution E/CN.4/Sub.2/1991/L.21 submitted under item 6 (see chap. VII) were made by Mr. Chernichenko, Mr. Eide, Mr. Treat, Mr. Türk and Ms. Warzazi.

298. At the same meeting, the observer for the Union of Soviet Socialist Republics also made a statement.

299. At the 33rd meeting, on 28 August 1991, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1991/L.6, sponsored by Mr. van Boven, Mr. Eide, Mr. Hatano, Mr. Heller, Mr. Rivas Posada, Mr. Saboia, Mr. Treat, Mr. Türk, Ms. Warzazi and Mr. Yimer. Mr. Alfonso Martínez, Ms. Daes, Mr. Maxim, Ms. Palley and Mr. Sachar subsequently also became sponsors.

300. Statements relating to the draft resolution were made by Ms. Ksentini and Mr. Treat.

301. The attention of the Sub-Commission was drawn to an estimate of the administrative and programme budget implications 2/ (E/CN.4/Sub.2/1991/L.24) of draft resolution E/CN.4/Sub.2/1991/L.6.

302. The draft resolution was adopted without a vote.

303. For the text as adopted, see chapter II, section A, resolution 1991/14.

304. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1991/L.12, sponsored by Mr. Despouy, Mr. Hatano, Mr. Ilkahanaf, Mr. Treat and Mr. Türk. Ms. Daes, Mr. Chernichenko, Mr. Guissé, Ms. Palley, Mr. Rivas Posada and Mr. Sachar subsequently also became sponsors.

305. Statements relating to the draft resolution were made by Mr. Alfonso Martínez, Mr. van Boven and Mr. Despouy.

306. The draft resolution was adopted without a vote.

307. For the text, as adopted, see chapter II, section A, resolution 1991/15.

308. At the same meeting, the Sub-Commission considered draft decision E/CN.4/Sub.2/1991/L.27, sponsored by Mr. Despouy, Mr. Hatano, Mr. Treat and Mr. Türk. Mr. Alfonso Martínez, Mr. Chernichenko, Mr. Ilkahanaf, Ms. Ksentini, Ms. Palley and Mr. Rivas Posada subsequently also became sponsors.

309. A statement relating to the draft resolution was made by Ms. Palley.

310. The draft resolution was adopted without a vote.

311. For the text as adopted, see chapter II, section A, resolution 1991/105.

312. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1991/L.29, sponsored by Ms. Attah, Mr. van Boven, Ms. Daes and Ms. Warzazi. Mr. Eide, Mr. Guissé, Mr. Ilkahanaf, Ms. Ksentini, Ms. Palley and Mr. Saboia subsequently also became sponsors.

313. A statement relating to the draft resolution was made by Mr. Alfonso Martínez.

314. The draft resolution was adopted without a vote.

315. For the text as adopted, see chapter II, section A, resolution 1991/16.

316. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1991/L.30, sponsored by Mr. Al-Khasawneh, Ms. Attah, Mr. van Boven, Mr. Chernichenko, Ms. Daes, Mr. Eide, Mr. Hatano, Mr. Heller, Mr. Khalil, Ms. Ksentini, Mr. Maxim, Mr. Merrills, Mr. Saboia, Mr. Treat, Mr. Türk and Ms. Warzazi. Mr. Despouy, Mr. Guissé, Mr. Ilkahanaf and Mr. Rivas Posada subsequently also became sponsors.

317. Statements relating to the draft resolution were made by Mr. van Boven and Ms. Daes.

318. The draft resolution was adopted without a vote.

319. For the text as adopted, see chapter II, section A, resolution 1991/17.

320. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1991/L.32, sponsored by Mr. Alfonso Martínez, Mr. Al-Khasawneh, Ms. Attah, Ms. Bautista, Mr. van Boven, Mr. Chernichenko, Ms. Daes, Mr. Despouy, Mr. Eide, Mr. Hatano, Mr. Ilkahanaf, Mr. Khalil, Mr. Maxim, Mr. Merrills, Mr. Saboia, Mr. Treat, Mr. Türk and Mr. Yimer.

321. The attention of the Sub-Commission was drawn to an estimate of the administrative and programme budget implications 2/ (E/CN.4/Sub.2/1991/L.56) of draft resolution E/CN.4/Sub.2/1991/L.32.

322. The draft resolution was adopted without a vote.

323. For the text as adopted, see chapter II, section A, resolution 1991/18.

XII. INDEPENDENCE AND IMPARTIALITY OF THE JUDICIARY, JURORS AND ASSESSORS AND THE INDEPENDENCE OF LAWYERS

324. The Sub-Commission considered item 11 together with item 10 (see chap. XI), at its 24th to 27th meetings, on 22 and 23 August, and at its 35th meeting, on 29 August 1991.

325. The Sub-Commission had before it the following documents in connection with its consideration of item 11:

Report on the independence of the judiciary and the protection of practising lawyers, prepared by Mr. L. Joinet pursuant to Sub-Commission resolution 1990/23 (E/CN.4/Sub.2/1991/30 and Add.1-4);

Written statement by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1991/NGO/17).

326. At the 24th meeting, on 22 August 1991, item 11 was introduced by a representative of the Centre for Human Rights.

327. At the 26th meeting, on 23 August 1991, the Special Rapporteur, Mr. L. Joinet, introduced his report (E/CN.4/Sub.2/1991/30 and Add.1-4).

328. In the general debate on the item, statements 1/ were made by Mr. van Boven (26th), Mr. Despouy (26th), Mr. Eide (26th), Mr. Guissé (26th), Mr. Ilkahanaf (27th), Mr. Rivas Posada (26th), Mr. Sachar (26th) and Mr. Treat (26th).

329. Statements were made by the observers for Belgium (27th) and Colombia (27th).

330. The Sub-Commission also heard statements by representatives of the following non-governmental organizations: American Association of Jurists (26th), International Association of Democratic Lawyers (24th), International Commission of Jurists (26th), International Educational Development Inc. (27th), International Falcon Movement (24th), International Federation of Human Rights (23rd), International Human Rights Law Group (25th), International Indian Treaty Council (27th), International League for the Rights and Liberation of Peoples (27th), International Movement for Fraternal Union among Races and Peoples (27th), International Progress Organization (23rd), International Union of Lawyers (26th), Latin American Federation of Associations of Relatives of Disappeared Detainees (27th), Lawyers Committee for Human Rights (26th), Liberation (27th).

331. In addition, a joint statement was made by the representative of the International Association of Penal Law (25th) on behalf of the International Association of Penal Law and the International Institute of Higher Studies in Criminal Sciences.

332. Statements equivalent to a right of reply were made by the observers for Indonesia (27th), Japan (25th), Kenya (27th), Myanmar (25th), Nicaragua (27th), Tunisia (27th) and Turkey (27th).

333. At the 27th meeting, on 23 August 1991, the Special Rapporteur, Mr. Joinet, made his concluding remarks.

334. At the 35th meeting, on 29 August 1991, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1991/L.31, sponsored by Ms. Attah, Ms. Bautista, Mr. van Boven, Mr. Chernichenko, Ms. Daes, Mr. Despouy, Mr. Eide, Mr. Hatano, Mr. Heller, Mr. Khalil, Mr. Maxim, Mr. Rivas Posada, Mr. Saboia, Mr. Sachar, Mr. Treat and Mr. Yimer. Mr. Guissé and Ms. Palley subsequently also became sponsors.

335. Statements relating to the draft resolution were made by Mr. Alfonso Martínez, Ms. Attah, Mr. van Boven, Mr. Guissé, Ms. Ksentini and Ms. Warzazi.

336. The attention of the Sub-Commission was drawn to an estimate of the administrative and programme budget implications 2/ (E/CN.4/Sub.2/1991/L.66) of draft resolution E/CN.4/Sub.2/1991/L.31.

337. The draft resolution was adopted without a vote.

338. For the text as adopted, see chapter II, section A, resolution 1991/35.

XIII. HUMAN RIGHTS AND DISABILITY

339. The Sub-Commission considered item 12 at its 17th, 21st and 33rd meetings, held on 16, 20 and 28 August 1991.

340. The Sub-Commission had before it the following documents in connection with its consideration of the item:

Final report prepared by the Special Rapporteur, Mr. L. Despouy, on human rights and disability (E/CN.4/Sub.2/1991/31);

Written statement submitted by Disabled Peoples' International, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1991/NGO/34);

Written statement submitted by Disabled Peoples' International, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1991/NGO/36);

Written statement submitted by Human Rights Advocates, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1991/NGO/42).

341. At the 17th meeting, on 16 August 1991, the item was introduced by a representative of the Centre for Human Rights.

342. At the same meeting, the Special Rapporteur, Mr. L. Despouy, introduced his report (E/CN.4/Sub.2/1991/31).

343. In the general debate on the item, statements 1/ were made by the following members of the Sub-Commission: Ms. Bautista (21st), Ms. Daes (21st), Mr. Eide (21st), Mr. Flinterman (21st), Mr. Ilkahanaf (21st), Ms. Ksentini (21st), Mr. Tian Jin (21st).

344. Statements were made by the observers for: El Salvador (21st), the United States of America (21st), Venezuela (21st).

345. The Sub-Commission also heard statements by representatives of the following non-governmental organizations: Disabled Peoples' International (21st), Human Rights Advocates (17th), International Association of Educators for World Peace (17th), International Catholic Child Bureau (17th), International Council of Psychologists (17th), International Educational Development Inc. (21st), International Fellowship of Reconciliation (17th), World Association for World Federation (17th), World Conference on Religion and Peace (17th).

346. At the 21st meeting, on 20 August 1991, the Special Rapporteur made his concluding remarks.

347. At the 33rd meeting, on 28 August 1991, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1991/L.36, sponsored by Mr. Al-Khasawneh, Ms. Attah, Ms. Bautista, Ms. Daes, Mr. Eide, Mr. Flinterman, Mr. Hatano, Mr. Heller, Mr. Ilkahanaf, Mr. Khalil, Mr. Maxim, Mr. Merrills, Mr. Rivas Posada, Mr. Tian Jin, Mr. Treat, Mr. Türk and Ms. Warzazi. Mr. Alfonso Martínez, Mr. Guissé, Ms. Ksentini, Ms. Palley and Mr. Saboia subsequently also became sponsors.

348. The attention of the Sub-Commission was drawn to an estimate of the administrative and programme budget implications 2/ (E/CN.4/Sub.2/1991/L.59) of draft resolution E/CN.4/Sub.2/1991/L.36.

349. Statements relating to the draft resolution were made by Mr. Alfonso Martínez and Ms. Daes.

350. Ms. Warzazi requested that a vote be taken on the draft resolution.

351. The draft resolution was adopted by 23 votes to none, with no abstentions.

352. For the text as adopted, see chapter II, section A, resolution 1991/19.

XIV. ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF

353. The Sub-Commission considered item 13 at its 8th, 9th and 21st meetings, held on 9, 12 and 20 August 1991.

354. The Sub-Commission had before it the following documents in connection with its consideration of the item:

> Report by Mr. A. Vidal d'Almeida Ribeiro, Special Rapporteur appointed in accordance with Commission on Human Rights resolution 1986/20 of 10 March 1986 (E/CN.4/1991/56).

355. At the 8th meeting, on 9 August 1991, the item was introduced by a representative of the Centre for Human Rights.

356. In the general debate on the item, statements 1/ were made by the following members of the Sub-Commission: Ms. Attah (8th), Mr. van Boven (8th), Mr. Eide (8th), Mr. Guissé (8th), Mr. Sachar (8th), Mr. Sadi (8th), Ms. Warzazi (8th).

357. A statement was made by the observer for Morocco (9th).

358. The Sub-Commission also heard statements by the following non-governmental organizations: Co-ordinating Board of Jewish Organizations (8th), International Association against Torture (9th), International Association for Religious Freedom (8th), International Council of Jewish Women (9th), International Federation of Human Rights (9th), International Fellowship of Reconciliation (9th), International Organization for the Development of Freedom of Education (9th), International Progress Organization (8th), International Work Group for Indigenous Affairs (8th), Pax Christi-International Catholic Peace Movement (8th), World Jewish Congress (8th), Women's International League for Peace and Freedom (9th), World Union for Progressive Judaism (9th).

359. A statement equivalent to a right of reply was made by the observer for Canada (9th).

360. At the 21st meeting, on 20 August 1991, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1991/L.4, sponsored by Mr. Alfonso Martínez, Ms. Bautista, Mr. van Boven, Mr. Chernichenko, Ms. Daes, Mr. Despouy, Mr. Eide, Mr. Hatano, Mr. Heller, Mr. Ilkahanaf, Mr. Khalifa, Mr. Maxim, Ms. Mbonu, Mr. Merrills, Mr. Rivas Posada, Mr. Saboia, Mr. Sachar, Mr. Treat, Ms. Warzazi and Mr. Yimer. Mr. Guissé and Mr. Türk subsequently also became sponsors.

361. The draft resolution was adopted without a vote.

362. For the text as adopted, see chapter II, section A, resolution 1991/3.

XV. INTERNATIONAL PEACE AND SECURITY AS AN ESSENTIAL CONDITION FOR THE ENJOYMENT OF HUMAN RIGHTS, ABOVE ALL THE RIGHT TO LIFE

363. The Sub-Commission considered item 14 at its 31st and 35th meetings, on 27 and 29 August 1991.

364. The Sub-Commission had before it the following documents in connection with its consideration of the item:

> Interrelationship between human rights and international peace: Working paper prepared by Mr. M. Bhandare pursuant to Sub-Commission resolution 1989/47 of 1 September 1989 (E/CN.4/Sub.2/1991/32 and Corr.1).

365. At the 31st meeting, on 27 August 1991, the item was introduced by a representative of the Centre for Human Rights.

366. At the same meeting, Mr. M. Bhandare presented his working paper (E/CN.4/Sub.2/1991/32 and Corr.1).

367. At its 35th meeting, on 29 August 1991, the Sub-Commission decided to postpone consideration of item 14 until its forty-fourth session.

368. Statements relating to this decision were made by Mr. Alfonso Martínez, Mr. van Boven, Ms. Daes, Mr. Despouy, Ms. Ksentini, Mr. Sachar and Ms. Warzazi.

369. A statement was also made by Mr. Bhandare.

370. For the text as adopted, see chapter II, section B, decision 1991/106.

XVI. DISCRIMINATION AGAINST INDIGENOUS PEOPLES

371. The Sub-Commission considered item 15 at its 31st and 35th meetings, on 27 and on 29 August 1991.

372. The Sub-Commission had before it the following documents in connection with its consideration of the item:

Study on treaties, agreements and other constructive arrangements between States and indigenous populations: Preliminary report submitted by Mr. M. Alfonso Martínez, Special Rapporteur (E/CN.4/Sub.2/1991/33);

Working paper on the question of the ownership and control of the cultural property of indigenous peoples prepared by Ms. E.I. Daes (E/CN.4/Sub.2/1991/34);

Future sessions of the Working Group on Indigenous Populations: Note by the Secretary-General (E/CN.4/Sub.2/1991/35);

Draft declaration on the rights of indigenous peoples: Revised working paper submitted by the Chairperson-Rapporteur, Ms. E.I. Daes, pursuant to Sub-Commission resolution 1990/26 (E/CN.4/Sub.2/1991/36);

Report of the Secretary-General (E/CN.4/Sub.2/1991/37);

Further suggestions for United Nations activities for the International Year for the World's Indigenous People: Second working paper submitted by Mr. A. Eide and Ms. C. Mbonu (E/CN.4/Sub.2/1991/39);

Report of the Working Group on Indigenous Populations on its ninth session (E/CN.4/Sub.2/1991/40 and Corr.1);

Transnational investments and operations on the lands of indigenous peoples: Report of the United Nations Centre on Transnational Corporations pursuant to Sub-Commission resolution 1990/26 (E/CN.4/Sub.2/1991/49);

Written statement by Anti-Slavery International, International Work Group on Indigenous Affairs and Inuit Circumpolar Conference, non-governmental organizations in consultative status (category II), and by the Nordic Saami Council, a non-governmental organization on the Roster (E/CN.4/Sub.2/1991/NGO/3);

Written statement submitted by the Four Directions Council, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1991/NGO/4);

Written statement submitted by the Indian Law Resource Center, a non-governmental organization on the Roster (E/CN.4/Sub.2/1991/NGO/13);

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1991/NGO/20).

373. At the 31st meeting, on 27 August 1991, Ms. E.I. Daes, Chairperson-Rapporteur of the Working Group on Indigenous Populations, introduced the report of the Working Group (E/CN.4/Sub.2/1991/40).

374. At the same meeting, the Special Rapporteur, Mr. M. Alfonso Martínez, introduced his report (E/CN.4/Sub.2/1991/33).

375. In the general debate on the item, statements 1/ were made by the following members of the Sub-Commission: Mr. van Boven (31st), Mr. Eide (31st), Mr. Hatano (31st), Mr. Heller (31st), Ms. Ksentini (31st), Mr. Rivas Posada (31st), Mr. Saboia (31st), Mr. Treat (31st), Ms. Warzazi (31st).

376. Statements were made by the observers for Australia (31st), Chile (31st) and Ecuador (31st).

377. The Sub-Commission also heard statements by representatives of the following non-governmental organizations: Four Directions Council (31st), Human Rights Advocates (31st), Indian Law Resource Center (31st), International Confederation of Free Trade Unions (31st), International Indian Treaty Council (31st), International Movement for Fraternal Union among Races and Peoples (31st), International Organization for the Elimination of All Forms of Racial Discrimination (31st), Liberation (31st), National Aboriginal and Islanders Legal Service Secretariat (31st), Pax Christi-International Catholic Peace Movement (31st), World Conference on Religion and Peace (31st).

378. At the 31st meeting, on 27 August 1991, the Chairperson-Rapporteur of the Working Group on Indigenous Populations, Ms. Daes, made her concluding remarks.

379. At the same meeting, the Special Rapporteur, Mr. Alfonso Martínez, made his concluding remarks.

380. At its 35th meeting, on 29 August 1991, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1991/L.44, sponsored by Mr. Alfonso Martínez, Ms. Attah, Ms. Bautista, Ms Daes, Mr. Hatano and Mr. Türk.

381. Ms. Warzazi proposed amending operative paragraph 11 of the draft resolution by adding the words "and recommends that the Secretary-General draw the present resolution to the attention of the Conference secretariat" at the end of the paragraph.

382. The amendment was accepted by the sponsors.

383. Statements relating to the draft resolution and the proposed amendment thereto were made by Ms. Daes and Mr. Chernichenko.

384. The attention of the Sub-Commission was drawn to an estimate of the administrative and programme budget implications 2/ (E/CN.4/Sub.2/1991/L.67) of draft resolution E/CN.4/Sub.2/1991/L.44.

385. The draft resolution, as amended, was adopted without a vote.

386. For the text as adopted, see chapter II, section A, resolution 1991/30.

387. At the same meeting, the Sub-Commission considered draft decision E/CN.4/Sub.2/1991/L.45, sponsored by Mr. Alfonso Martínez, Ms. Attah, Ms. Daes, Mr. Hatano and Mr. Türk.

388. The attention of the Sub-Commission was drawn to an estimate of the administrative and programme budget implications 2/ (E/CN.4/Sub.2/1991/L.68) of draft decision E/CN.4/Sub.2/1991/L.45.

389. The draft decision was adopted without a vote.

390. For the text, see chapter II, section B, decision 1991/111.

391. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1991/L.46, sponsored by Mr. Alfonso Martínez, Ms. Attah, Ms. Bautista, Ms. Daes, Mr. Hatano and Mr. Türk.

392. The draft resolution was adopted without a vote.

393. For the text as adopted, see chapter II, section A, resolution 1991/31.

394. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1991/L.47, sponsored by Mr. Alfonso Martínez, Ms. Attah, Ms. Bautista, Mr. Hatano and Mr. Türk.

395. The attention of the Sub-Commission was drawn to an estimate of the administrative and programme budget implications 2/ (E/CN.4/Sub.2/1991/L.69) of draft resolution E/CN.4/Sub.2/1991/L.47.

396. The draft resolution was adopted without a vote.

397. For the text as adopted, see chapter II, section A, resolution 1991/32.

398. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1991/L.48, sponsored by Mr. Alfonso Martínez, Ms. Attah, Ms. Bautista, Mr. Hatano and Mr. Türk.

399. The draft resolution was adopted without a vote.

400. For the text as adopted, see chapter II, section A, resolution 1990/33.

401. At the same meeting, the Sub-Commission considered draft decision E/CN.4/Sub.2/1991/L.51, sponsored by Mr. Alfonso Martínez, Ms. Attah, Ms. Daes, Mr. Hatano and Mr. Türk.

402. The attention of the Sub-Commission was drawn to an estimate of the administrative and programme budget implications 2/ (E/CN.4/Sub.2/1991/L.72) of draft decision E/CN.4/Sub.2/1991/L.51.

403. The draft decision was adopted without a vote.

404. For the text, see chapter II, section B, decision 1991/112.

405. At its 36th meeting, on 30 August 1991, the Sub-Commission decided on the composition of its Working Group on Indigenous Populations, which was to meet prior to its forty-fourth session.

406. For the composition of the Working Group, see chapter II, section B, decision 1990/119.

XVII. CONTEMPORARY FORMS OF SLAVERY

407. The Sub-Commission considered item 16 at its 33rd and 35th meetings, on 28 and 29 August 1991.

408. The Sub-Commission had before it the following documents in connection with its consideration of the item:

Report of the Working Group on Contemporary Forms of Slavery on its sixteenth session (E/CN.4/Sub.2/1991/41 and Corr.1);

Exploitation of child labour: Written statement submitted by the United Nations Children's Fund (E/CN.4/Sub.2/1991/52);

Written statement submitted by Lawyers' Committee for Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1991/NGO/10);

Written statement submitted by Zonta International, a non-governmental organization in consultative status (category I), International Council of Jewish Women, International Council on Jewish Social and Welfare Services and International Federation of University Women, non-governmental organizations in consultative status (category II) (E/CN.4/Sub.2/1991/NGO/30).

409. At the 33rd meeting, on 28 August 1991, Ms. F.Z. Ksentini, Chairperson-Rapporteur of the Working Group on Contemporary Forms of Slavery, introduced the report of the Working Group (E/CN.4/Sub.2/1991/41).

410. In the general debate on the item, statements 1/ were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (33rd), Mr. van Boven (33rd), Ms. Daes (33rd), Mr. Despouy (33rd), Mr. Eide (33rd), Mr. Guissé (33rd), Mr. Ilkahanaf (33rd), Mr. Maxim (33rd), Ms. Palley (33rd), Mr. Treat (33rd), Ms. Warzazi (33rd).

411. A statement was made by the observer for Pakistan (33rd).

412. A statement was also made by the representative of the World Health Organization (33rd).

413. The Sub-Commission also heard statements by the following non-governmental organizations: Anti-Slavery International (33rd), Friends World Committee for Consultation (Quakers) (33rd).

414. At the 33rd meeting, on 28 August 1991, the Chairperson-Rapporteur made her concluding remarks.

415. At its 35th meeting, on 29 August 1991, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1991/L.40, sponsored by Ms. Ksentini.

416. A statement relating to the draft resolution was made by Mr. Alfonso Martínez.

417. The attention of the Sub-Commission was drawn to an estimate of the administrative and programme budget implications 2/ (E/CN.4/Sub.2/1991/L.63) of draft resolution E/CN.4/Sub.2/1991/L.40.

418. The draft resolution was adopted without a vote.

419. For the text as adopted, see chapter II, section A, resolution 1991/34.

420. At the same meeting, the Sub-Commission considered draft decision E/CN.4/Sub.2/1991/L.41, sponsored by Ms. Ksentini.

421. The draft decision was adopted without a vote.

422. For the text see chapter II, section B, decision 1991/113.

423. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1991/L.42, sponsored by Ms. Ksentini. Mr. Maxim, Ms. Palley, Ms. Warzazi and Mr. Yimer subsequently joined the sponsors.

424. The draft resolution was adopted without a vote.

425. For the text as adopted, see chapter II, section A, resolution 1991/37.

426. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1991/L.49, sponsored by Ms. Attah, Ms. Daes, Mr. Despouy, Mr. Eide, Mr. Hatano, Mr. Heller, Mr. Maxim, Mr. Merrills, Mr. Rivas Posada, Mr. Saboia and Mr. Treat.

427. The draft resolution read as follows:

"The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Taking note of the report of the Working Group on Contemporary Forms of Slavery on its sixteenth session (E/CN.4/Sub.2/1991/41),

Recalling that the Charter of the United Nations reaffirms faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women,

Noting that the Universal Declaration of Human Rights affirms the principle of the inadmissibility of discrimination on grounds of sex and proclaims that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, including distinction based on sex,

Bearing in mind that States parties to the International Covenants on Human Rights have the obligation to secure the equal right of men and women to enjoy all civil, political, economic, social and cultural rights,

Stressing that the Convention on the Elimination of All Forms of Discrimination against Women was adopted to eliminate discrimination against women in all its forms and manifestations,

Concerned, however, that over 20 of the 107 States parties have filed more than 80 substantive reservations with respect to their obligations to implement the Convention,

Concerned also that certain reservations to the Convention, in particular those in relation to the adoption of policies and institutional measures to implement the terms of the Convention (art. 2), political and public life (art. 7), discrimination in the field of employment (art. 11), equality of men and women before the law (art. 15) and marriage and family relations (art. 16), might diminish the international legal norm and legitimize its violation,

Aware that the third meeting of the States parties adopted a resolution expressing concern that these reservations might not be compatible with the object and purpose of the Convention,

Bearing in mind that the frustration of the objectives of the Convention, because of such reservations, is contributing to the phenomenon of the exploitation of women,

Noting resolution 35/3 adopted by the Commission on the Status of Women at its thirty-fifth session, held from 27 February to 8 March 1991, in particular the invitation to the international community contained therein to mark in an appropriate manner the tenth anniversary of the entry into force of the Convention, and the encouragement of all States parties to make every effort to facilitate the implementation of the Convention at the national, regional and interregional levels,

Noting also that the Treaty Section of the Office of Legal Affairs of the United Nations Secretariat has given an opinion (See Official Records of the General Assembly, thirty-ninth session, Supplement No. 45 (A/39/45), vol. II, annex III) that neither the Secretary-General, as depositary, nor the Committee on the Elimination of Discrimination against Women has the power to determine the compatibility of reservations with the Convention,

Affirming the mandate of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to prevent discrimination, to discourage State practices that legitimize discrimination and to reinforce the international legal norm of non-discrimination,

Recommends to the Commission on Human Rights that it transmit a proposal to the Economic and Social Council that, after consulting the Committee on the Elimination of Discrimination against Women, it request the International Court of Justice to give an advisory opinion on the validity and the legal effect of reservations to the Convention on the Elimination of All Forms of Discrimination against Women."

428. Statements relating to the draft resolution were made by Mr. van Boven, Mr. Despouy, Ms. Ksentini, Ms. Palley and Ms. Warzazi.

429. The Sub-Commission decided to defer its consideration of draft resolution E/CN.4/Sub.2/1991/L.49 until its forty-fourth session.

430. For the text of the decision, see chapter II, section B, decision 1991/115.

431. At its 36th meeting, on 30 August 1991, the Sub-Commission decided on the composition of its Working Group on Contemporary Forms of Slavery, which was to meet prior to its forty-fourth session.

432. For the composition of the Working Group, see chapter II, section B, decision 1990/119.

XVIII. PROMOTION, PROTECTION AND RESTORATION OF HUMAN RIGHTS AT NATIONAL, REGIONAL AND INTERNATIONAL LEVELS

A. PREVENTION OF DISCRIMINATION AND PROTECTION OF CHILDREN: HUMAN RIGHTS AND YOUTH

B. PREVENTION OF DISCRIMINATION AND PROTECTION OF WOMEN

433. The Sub-Commission considered item 17 at its 20th, 21st and 33rd meetings, held on 20 and 28 August 1991.

434. The Sub-Commission had before it the following documents in connection with its consideration of the item:

Progress report on human rights and youth submitted by Mr. D. Mazilu, Special Rapporteur (E/CN.4/Sub.2/1991/42);

Written statement submitted by the International Humanist and Ethical Union, a non-governmental organization on the Roster (E/CN.4/Sub.2/1991/NGO/1);

Written statement submitted by the International Federation - Terre des Hommes, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1991/NGO/5);

Written statement submitted by Lawyers' Committee for Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1991/NGO/10);

Written statement submitted by International Council of Psychologists, a non-governmental organization on the Roster (E/CN.4/Sub.2/1991/NGO/23);

Written statement submitted by Disabled Peoples' International, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1991/NGO/35);

Report of the Committee on the Elimination of Discrimination against Women (tenth session) (A/46/38).

435. At the 20th meeting, on 20 August 1991, the item was introduced by a representative of the Centre for Human Rights.

436. At the 20th meeting, on 20 August 1991, the Special Rapporteur, Mr. D. Mazilu, introduced his report (E/CN.4/Sub.2/1991/42).

437. In the general debate on the item, statements were made by the following members of the Sub-Commission: Mr. Al-Khasawneh (21st), Ms. Bautista (21st), Ms. Daes (20th), Mr. Despouy (21st), Mr. Eide (21st), Mr. Ilkahanaf (21st), Mr. Maxim (21st), Mr. Sachar (21st), Ms. Warzazi (21st).

438. Statements were made by the observers for: Brazil (21st), Colombia (21st), Venezuela (21st).

439. The Sub-Commission also heard statements by the following non-governmental organizations: Disabled Peoples' International (21st), Friends World Committee for Consultation (Quakers) (21st), International Abolitionist Federation (21st), International Council of Jewish Women (21st), International Falcon Movement (21st), International Humanist and Ethical Union (21st), Latin American Federation of Associations of Relatives of Disappeared Detainees (21st), Women's International League for Peace and Freedom (21st).

440. A statement equivalent to a right of reply was made by the observer for Ecuador (21st).

441. At the 21st meeting, on 20 August 1991, the Special Rapporteur made his concluding remarks.

442. At the 33rd meeting, on 28 August 1991, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1991/L.35, sponsored by Mr. Al-Khasawneh, Mr. van Boven, Ms. Daes, Mr. Despouy, Mr. Eide, Mr. Ilkahanaf and Mr. Maxim.

443. Ms. Warzazi proposed the following amendments to the draft resolution:

(a) To insert in operative paragraph 3 of the draft resolution recommended for adoption by the Economic and Social Council the words "throughout the world" after the words "children in prison";

(b) To insert in operative paragraph 4 of the draft resolution recommended for adoption by the Economic and Social Council the words "throughout the world" after the words "freedoms of youth".

444. Mr. Alfonso Martínez proposed amending the draft resolution by replacing in operative paragraph 5 of the draft resolution recommended for adoption by the Economic and Social Council the words "report in its final form" by the words "final report".

445. Ms. Ksentini proposed amending the draft resolution by inserting in operative paragraph 4 of the draft resolution recommended for adoption by the Economic and Social Council the words "with a view to submitting the final version of the draft to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-fourth session for its consideration of follow-up to this draft charter" after the words "throughout the world".

446. The proposed amendments were accepted by the sponsors.

447. Statements relating to the draft resolution and the amendments thereto were made by Mr. Alfonso Martínez, Ms. Attah, Mr. van Boven, Ms. Daes, Ms. Ksentini, Mr. Maxim, Mr. Tian Jin and Mr. Yimer.

448. The attention of the Sub-Commission was drawn to an estimate of the administrative and programme budget implications 2/ (E/CN.4/Sub.2/1991/L.55) of draft resolution E/CN.4/Sub.2/1991/L.35.

449. The draft resolution, as amended, was adopted without a vote.

450. For the text as adopted, see chapter II, section A, resolution 1991/20.

XIX. PROTECTION OF MINORITIES

451. The Sub-Commission considered item 18 at its 16th to 20th and 33rd meetings, held from 16 to 20 and on 28 August 1991.

452. The Sub-Commission had before it the following documents in connection with its consideration of the item:

Preliminary report submitted by the Special Rapporteur, Mr. A. Eide, on possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities (E/CN.4/Sub.2/1991/43);

Written statement submitted by International Association of Educators for World Peace, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1990/NGO/39);

Report of the Working Group on the Rights of Persons Belonging to National, Ethnic, Religious and Linguistic Minorities (E/CN.4/1991/53 and Corr.1).

453. At the 16th meeting, on 16 August 1991, the item was introduced by a representative of the Centre for Human Rights.

454. At the same meeting, the Special Rapporteur, Mr. A. Eide, introduced his report (E/CN.4/Sub.2/1991/43).

455. In the general debate on the item, statements were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (19th), Ms. Bautista (19th), Mr. van Boven (16th), Mr. Chernichenko (19th), Ms. Daes (16th), Mr. Eide (16th), Mr. Guissé (16th), Mr. Heller (17th), Mr. Ilkahanaf (19th and 20th), Mr. Khalifa (16th), Ms. Ksentini (19th), Mr. Maxim (19th), Mr. Sachar (16th and 20th), Mr. Tian Jin (17th), Mr. Treat (17th), Mr. Türk (17th), Ms. Warzazi (16th and 20th), Mr. Yimer (19th).

456. Statements were made by the observers for: Hungary (20th), Turkey (20th), United States of America (20th).

457. The Sub-Commission also heard statements by the following non-governmental organizations: International Federation of Human Rights (19th), International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and other Minorities (17th), International Human Rights Law Group (20th), International Indian Treaty Council (20th), International Organization for the Development of Freedom of Education (20th), Minority Rights Group (17th), Romani Union (20th).

458. Statements equivalent to a right of reply were made by the observers for Greece (20th) and the Islamic Republic of Iran (20th).

459. At the 20th meeting, on 20 August 1991, the Special Rapporteur made his concluding remarks.

460. At the 33rd meeting, on 28 August 1991, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1991/L.9, sponsored by Mr. Al-Khasawneh, Ms. Bautista, Ms. Daes, Mr. Despouy, Mr. Heller, Mr. Khalil, Ms. Ksentini, Mr. Maxim, Mr. Rivas Posada, Mr. Saboia, Mr. Türk, Ms. Warzazi and Mr. Yimer. Ms. Attah, Mr. van Boven, Mr. Eide, Mr. Ilkahanaf, Ms. Palley and Mr. Treat subsequently also became sponsors.

461. Ms. Warzazi revised the draft resolution by inserting in operative paragraph 2 of the resolution recommended for adoption by the Commission on Human Rights the words "and to guarantee their protection and safety" after the words "those communities".

462. A statement relating to the draft resolution was made by Mr. van Boven.

463. The draft resolution was adopted without a vote.

464. For the text as adopted, see chapter II, section A, resolution 1990/21.

465. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1991/L.39, sponsored by Ms. Bautista, Mr. van Boven, Mr. Chernichenko, Ms. Daes, Mr. Heller, Mr. Khalil, Mr. Maxim, Mr. Saboia, Mr. Treat, Mr. Yimer and Mr. Yokota. Mr. Ilkahanaf, Ms. Palley and Mr. Sachar subsequently also became sponsors.

466. The attention of the Sub-Commission was drawn to an estimate of the administrative and programme budget implications 2/ (E/CN.4/Sub.2/1991/L.60) of draft resolution E/CN.4/Sub.2/1991/L.39.

467. Statements relating to the draft resolution were made by Mr. Alfonso Martínez, Ms. Daes, Mr. Eide, Mr. Ilkahanaf and Ms. Ksentini.

468. The draft resolution was adopted without a vote.

469. For the text as adopted, see chapter II, section A, resolution 1991/22.

XX. THE RIGHT OF EVERYONE TO LEAVE ANY COUNTRY, INCLUDING HIS OWN, AND TO RETURN TO HIS COUNTRY

470. The Sub-Commission considered item 19 at its 35th meeting, on 29 August 1991.

471. The Sub-Commission had before it the following documents in connection with its consideration of the item:

Report of the Working Group on a draft declaration on freedom and non-discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country (E/CN.4/Sub.2/1991/45);

Letter dated 29 August 1991 from the Director of the Division of International Protection of the Office of the United Nations High Commissioner for Refugees addressed to the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1991/61);

Working paper submitted by Mr. A. Eide and Mr. K. Flinterman (E/CN.4/Sub.2/1991/WP.4);

Written statement submitted by Human Rights Advocates, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1991/NGO/25);

Report of the Working Group on a draft declaration on freedom and non-discrimination in respect of the right of everyone to leave any country, including his own, and to return to his own country (E/CN.4/Sub.2/1990/48).

472. At the same meeting, Mr. A. Eide, Chairman-Rapporteur of the sessional open-ended Working Group, introduced the report of the Working Group (E/CN.4/Sub.2/1991/45).

473. In the general debate on the item, statements 1/ were made by the following members of the Sub-Commission: Mr. Despouy (35th), Mr. Eide (35th), Mr. Guissé (35th) and Ms. Ksentini (35th).

474. A statement was also made by the following non-governmental organization: World Union for Progressive Judaism (35th).

475. At the same meeting, the Sub-Commission considered draft decision E/CN.4/Sub.2/1991/L.65, sponsored by Mr. Alfonso Martínez, Mr. Al-Khasawneh, Ms. Attah, Mr. Eide and Mr. Maxim.

476. Ms. Ksentini proposed the following amendments to the draft decision:

(a) In the first paragraph, replace the words "paragraph 15 of that report" by the words "the report";

(b) To delete the second paragraph.

477. The proposed amendments were accepted by the sponsors.

478. The draft decision, as amended, was adopted without a vote.

479. For the text, see chapter II, section B, decision 1991/114.

XXI. CONSIDERATION OF THE FUTURE WORK OF THE SUB-COMMISSION AND OF THE DRAFT PROVISIONAL AGENDA FOR THE FORTY-FOURTH SESSION OF THE SUB-COMMISSION

480. The Sub-Commission considered agenda item 20 at its 36th meeting, held on 30 August 1991.

481. In connection with the consideration of this item, the Sub-Commission had before it a note prepared by the Secretary-General in accordance with paragraph 3 of Economic and Social Council resolution 1894 (LVII) of 1 August 1974 (E/CN.4/Sub.2/1991/L.1), containing a draft provisional agenda for the forty-fourth session of the Sub-Commission, a list of the documents to be submitted under each item and the legislative authority for their preparation.

482. The Sub-Commission recalled its resolutions 1985/34 and 1989/1, in which it decided that the following items would be considered on a biennial basis, starting at its thirty-ninth session for the items:

(a) Elimination of all forms of intolerance and of discrimination based on religion or belief;

(b) International peace and security as an essential condition for the enjoyment of human rights, above all the right to life;

and at its fortieth session for the items:

(a) Human rights and disability;

(b) Human rights and scientific and technological developments;

(c) Encouragement of universal acceptance of human rights instruments.

483. At its 36th meeting, on 30 August 1991, the draft provisional agenda was adopted without a vote.

484. The text of the draft provisional agenda for the forty-fourth session of the Sub-Commission reads as follows:

1. Election of officers.

2. Adoption of the agenda.

3. Review of the work of the Sub-Commission.

   Legislative authority: Commission on Human Rights resolution 1991/56, Sub-Commission resolutions 5 (XIV) and decisions 2 (XXXIV) and 1991/117.

Documentation:

Report of the Working Group on the methods of work of the Sub-Commission (Sub-Commission decision 1991/117).

4. Review of further developments in fields with which the Sub-Commission has been concerned.

Legislative authority: Sub-Commission resolutions 1991/23, 1991/24, 1991/25 and 1991/39 and Sub-Commission decisions 1991/107, 1991/108, 1991/109 and 1991/110.

Documentation:

(a) Progress report by the Special Rapporteur (para. 2 of resolution 1991/24);

(b) Second progress report by the Special Rapporteur (para. 3 of resolution 1991/25);

(c) Final report by the Special Rapporteur (decision 1991/109);

(d) Working paper by two members of the Sub-Commission (decision 1991/110);

(e) Report by the two Special Rapporteurs (para. 2 of resolution 1991/39).

5. Elimination of racial discrimination.

(a) Measures to combat racism and racial discrimination and the role of the Sub-Commission.

Legislative authority: Sub-Commission resolution 1991/2.

Documentation:

(a) Overview of the Secretary-General on current trends of racism, discrimination, intolerance and xenophobia (para. 11);

(b) Report of the Secretary-General on serious incidents attributable to racism, racial discrimination and xenophobia (para. 12).

(b) Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist regime of South Africa.

Legislative authority: Sub-Commission resolution 1991/1.

Documentation:

Updated report by the Special Rapporteur (para. 3).

6. Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII).

Legislative authority: Sub-Commission resolutions 1991/6, 1991/9, 1991/11 and 1991/12.

Documentation:

(a) Note by the Secretary-General (para. 6 of resolution 1991/9);

(b) Updated list of the Secretary-General (para. 10 of resolution 1991/6).

7. The new international economic order and the promotion of human rights.

Legislative authority: Commission resolution 1991/18 and Sub-Commission resolution 1991/36.

8. The realization of economic, social and cultural rights.

Legislative authority: Sub-Commission resolutions 1991/26, 1991/27 and 1991/28.

Documentation:

(a) Working paper by a member of the Sub-Commission (para. 7 of resolution 1991/26);

(b) Final report by the Special Rapporteur (para. 9 of resolution 1991/27).

9. Communications concerning human rights: report of the Working Group established under Sub-Commission resolution 2 (XXIV) in accordance with Economic and Social Council resolution 1503 (XLVIII).

Legislative authority: Economic and Social Council resolution 1503 (XLVIII) and Sub-Commission resolutions 1 (XXIV) and 2 (XXIV).

Documentation:

Confidential report of the Working Group and supporting papers.

10. The administration of justice and the human rights of detainees.

(a) Question of the human rights of persons subjected to any form of detention or imprisonment.

Legislative authority: Sub-Commission resolutions 7 (XXVII), 1991/16, 1991/17 and decision 1991/105.

Documentation:

(a) Annual reports of the Secretary-General (7 (XXVII));

(b) Final report by the Special Rapporteur (para. 7 of resolution 1991/17);

(c) Updated report by the Special Rapporteur (para. 2 of resolution 1991/16);

(d) Working paper by the Secretary-General (1991/105).

(b) Question of human rights and states of emergency.

Legislative authority: Sub-Commission resolution 1991/18.

Documentation:

Annual report and updated list by the Special Rapporteur (para. 7).

(c) Individualization of prosecution and penalties, and repercussions of violations of human rights on families.

Legislative authority: Commission on Human Rights resolution 26 (XXXVI).

(d) The right to a fair trial.

Legislative authority: Sub-Commission resolution 1991/14.

Documentation:

Third report by the two Special Rapporteurs (para. 7 of the draft resolution recommended to the Commission on Human Rights for adoption in Sub-Commission resolution 1991/14).

11. Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers.

Legislative authority: Sub-Commission resolution 1991/35.

Documentation:

Report by the Special Rapporteur (para. 5).

12. Human rights and scientific and technological developments.

Legislative authority: Sub-Commission resolutions 1985/34 and Commission on Human Rights resolution 1991/45.

13. Encouragement of universal acceptance of human rights instruments.

Legislative authority: Sub-Commission resolutions 1985/34 and 1990/24.

14. International peace and security as an essential condition for the enjoyment of human rights, above all the right to life.

Legislative authority: Sub-Commission decision 1991/115.

15. Discrimination against indigenous peoples.

Legislative authority: Economic and Sccial Council resolutions 1982/34 and 1989/77 and Sub-Commission resolutions 1989/38, 1991/30, 1991/31 and 1991/32 and decision 1991/111.

Documentation:

(a) Progress report by the Special Rapporteur (decision 1991/111);

(b) Reports of the Secretary-General (para. 5 of resolution 1991/31).

16. Contemporary forms of slavery.

Legislative authority: Economic and Social Council decisions 16 and 17 (LVI) and Sub-Commission resolutions 1989/41, 1991/34.

Documentation:

Updated report of the Secretary-General (para. 13 of resolution 1991/34).

17. Promotion, protection and restoration of human rights at national, regional and international levels.

(a) Prevention of discrimination and protection of children: human rights and youth.

Legislative authority: Sub-Commission resolutions 1985/13, 1991/20.

Documentation:

Final report by the Special Rapporteur (para. 5 of the draft resolution recommended to the Commission on Human Rights for adoption in Sub-Commission resolution 1991/20).

(b) Prevention of discrimination and protection of women.

18. Protection of minorities.

Legislative authority: Economic and Social Council resolution 1991/30, Sub-Commission resolutions 1989/44 and 1991/22.

Documentation:

Updated report by the Special Rapporteur (para. 8 of resolution 1991/22).

19. The right of everyone to leave any country, including his own, and to return to his country.

Legislative authority: Commission on Human Rights resolution 1989/39 and Sub-Commission decision 1991/114.

20. Consideration of the future work of the Sub-Commission and of the draft provisional agenda for the forty-fifth session of the Sub-Commission.

21. Adoption of the report of the forty-fourth session.

XXII. ADOPTION OF THE REPORT ON THE FORTY-THIRD SESSION

485. At the 36th meeting, on 30 August 1991, the Sub-Commission considered the draft report on the work of its forty-third session.

486. At the same meeting, the Sub-Commission adopted the draft report and decided to entrust the Rapporteur with its finalization.

Notes

1/ The number in parentheses following the names of States or organizations indicates the meeting at which the statement was made.

2/ An estimate of the administrative and programme budget implications of Sub-Commission resolutions and decisions appears in annex III.

Annex 1

AGENDA

1. Election of officers.

2. Adoption of the agenda.

3. Review of the work of the Sub-Commission.

4. Review of further developments in fields with which the Sub-Commission has been concerned.

5. Elimination of racial discrimination:

   (a) Measures to combat racism and racial discrimination and the role of the Sub-Commission;

   (b) Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist regime of South Africa.

6. Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII).

7. The new international economic order and the promotion of human rights:

   (a) The role and equal participation of women in development.

8. The realization of economic, social and cultural rights.

9. Communications concerning human rights: report of the Working Group established under Sub-Commission resolution 2 (XXIV) in accordance with Economic and Social Council resolution 1503 (XLVIII).

10. The administration of justice and the human rights of detainees:

   (a) Question of human rights of persons subjected to any form of detention or imprisonment;

   (b) Quertion of human rights and states of emergency;

   (c) Individualization of prosecution and penalties, and repercussions of violations of human rights on families;

   (d) The right to a fair trial.

11. Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers.

12. Human rights and disability.

13. Elimination of all forms of intolerance and of discrimination based on religion or belief.

14. International peace and security as an essential condition for the enjoyment of human rights, above all the right to life.

15. Discrimination against indigenous peoples.

16. Contemporary forms of slavery.

17. Promotion, protection and restoration of human rights at national, regional and international levels:

    (a) Prevention of discrimination and protection of children: human rights and youth;

    (b) Prevention of discrimination and protection of women.

18. Protection of minorities.

19. The right of everyone to leave any country, including his own, and to return to his country.

20. Consideration of the future work of the Sub-Commission and of the draft provisional agenda for the forty-fourth session of the Sub-Commission.

21. Adoption of the report of the forty-third session.

Annex II

ATTENDANCE

Members and alternates

Name	Country of nationality	Term expires in**
Mr. Miguel Alfonso Martínez Mr. Julio H. Pérez*	Cuba	1992
Mr. Awn Shawkat Al-Khasawneh Mr. Waleed M. Sadi*	Jordan	1994
Ms. Judith Sefi Attah Mrs. Christy Ezim Mbonu*	Nigeria	1994
Ms. Mary Concepción Bautista Ms. Haydee B. Yorac*	Philippines	1992
Mr. Theodoor Cornelis van Boven Mr. Cornelis Flinterman*	Netherlands	1992
Mr. Stanslav Valentinovich Chernichenko Mr. Teimuraz O. Ramishvili*	Union of Soviet Socialist Republics	1994
Ms. Erica-Irene A. Daes Mr. Alexis Heraclides*	Greece	1994
Mr. Leandro Despouy Mr. Juan Carlos Hitters*	Argentina	1994
Mr. Ion Diaconu Mr. Ioan Maxim*	Romania	1992
Mr. Asbjørn Eide Mr. Jan Helgessen*	Norway	1992
Mr. El Hadji Guissé Mr. Ndary Toure*	Senegal	1994
Mr. Ribot Hatano Mr. Yozo Yokota*	Japan	1992

* Alternate.

** Term of office expires upon election of members of the Sub-Commission at the 48th (1992) or 50th (1994) session of the Commission on Human Rights.

Name	Country of nationality	Term expires in**
Mr. Claude Heller Mr. Héctor Fix Zamudio*	Mexico	1994
Mr. Aidid Abdillahi Ilkahanaf Mr. Mohamed Isa Turunji*	Somalia	1992
Mr. Louis Joinet Mr. Alain Pellet*	France	1994
Mr. Ahmed Khalifa Mr. Ahmed Khalil*	Egypt	1992
Ms. Fatma Zohra Ksentini Ms. Farida Aiouaze*	Algeria	1994
Ms. Claire Palley Mr. John Merrills*	United Kingdom of Great Britain and Northern Ireland	1994
Mr. Rafael Rivas Posada Mr. Eduardo Suescún Monroy*	Colombia	1992
Mr. Gilberto Vergne Saboia Ms. Marilia Sardenberg Zelner Gonçalves*	Brazil	1994
Mr. Rajindar Sachar	India	1994
Mr. Tian Jin Mr. Zhan Daode*	China	1994
Mr. William W. Treat Mr. John Carey*	United States of America	1992
Mr. Danilo Türk Ms. Lidija R. Basta*	Yugoslavia	1992
Ms. Halima Embarek Warzazi Mr. Mohamed Laghmari*	Morocco	1992
Mr. Fisseha Yimer	Ethiopia	1992

States Members of the United Nations represented by observers

Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Bahrain, Bangladesh, Belgium, Bhutan, Bolivia, Brazil, Brunei Darussalam, Bulgaria, Canada, Chile, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czech and Slovak Federal Republic, Denmark, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Finland, France, Germany, Ghana, Greece,

Guatemala, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Japan, Jordan, Kenya, Kuwait, Lebanon, Libyan Arab Jamahiriya, Malaysia, Mauritania, Mexico, Morocco, Myanmar, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Romania, Senegal, Singapore, Somalia, Spain, Sri Lanka, Sweden, Syrian Arab Republic, Thailand, Tunisia, Turkey, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Viet Nam, Yugoslavia, Zaire, Zimbabwe.

Non-member States

Democratic People's Republic of Korea, Holy See, Republic of Korea, Switzerland.

United Nations bodies

Centre on Transnational Corporations, Centre for Social Development and Humanitarian Affairs, Crime Prevention and Criminal Justice Branch, United Nations Development Programme, United Nations Centre for Human Settlements (Habitat), Office of the United Nations High Commissioner for Refugees.

Specialized agencies

International Labour Organisation, World Health Organization.

Intergovernmental organizations

Commission of the European Communities, European Parliament, International Organization for Migration, League of Arab States.

National liberation movements

African National Congress, Palestine, Pan Africanist Congress of Azania.

Other organizations

International Committee of the Red Cross

Non-governmental organizationns

Category I

International Alliance of Women, International Confederation of Free Trade Unions, International Council on Social Welfare, International Council of Women, International Council of Voluntary Agencies, International Movement ATD Fourth World, International Youth and Student Movement for the United Nations, Inter-Parliamentary Union, Soroptimist International, World Confederation of Labour, World Federation of Trade Unions, World Federation of United Nations Associations, Zonta International.

Category II

Afro-Asian People's Solidarity Organization, All-India Women's Conference, American Association of Jurists, Amnesty International, Andean Commission of Jurists, Anti-Slavery International, Arab Organization for Human Rights, Baha'i International Community, Caritas Internationalis, Commission of the Churches on International Affairs of the World Council of Churches, Conference of European Churches, Consultative Council of Jewish Organizations, Coordinating Board of Jewish Organizations, Defence for Children International Movement, Disabled Peoples' International, Four Directions Council, Friends World Committee for Consultation (Quakers), Human Rights Advocates, Indian Law Resource Centre, Indigenous World Association, International Abolitionist Federation, International Association against Torture, International Association for Religious Freedom, International Association for the Defence of Religious Liberty, International Association of Democratic Lawyers, International Association of Educators for World Peace, International Association of Penal Law, International Catholic Child Bureau, International Centre of Sociological, Penal and Penitentiary Research and Studies, International Commission of Jurists, International Council of Environmental Law, International Council of Jewish Women, International Council of Psychologists, International Federation of Free Journalists, International Federation of Human Rights, International Federation of University Women, International Federation of Women Lawyers, International Federation of Women in Legal Careers, International Federation Terre des Hommes, International Fellowship of Reconciliation, International Human Rights Law Group, International Indian Treaty Council, International Institute of Higher Studies in Criminal Sciences, International Institute of Humanitarian Law, International League for Human Rights, International League for the Rights and Liberation of Peoples, International Movement for Fraternal Union among Races and Peoples, International Organization for the Development of Freedom of Education, International Organization for the Elimination of All Forms of Racial Discrimination, International Service for Human Rights, International Union of Lawyers, International Union of Students, International Work Group for Indigenous Affairs, Latin American Federation of Associations of Relatives of Disappeared Detainees, Law Association for Asia and the Western Pacific (LAWASIA), Lawyers' Committee for Human Rights, National Aboriginal and Islanders Legal Services Secretariat, Pax Christi - International Catholic Peace Movement, Pax Romana, Sierra Club Legal Defense Fund, Inc., Union of Arab Jurists, War Resisters International, Women's International League for Peace and Freedom, World Association for World Federation, World Conference on Religion and Peace, World Federation for Mental Health, World Federation of Methodist Women, World Jewish Congress, World Movement of Mothers, World University Service.

Roster

Article 19, Centre Europe - Tiers Monde, Friends of Earth International, Grand Council of the Crees (of Quebec), Habitat International Coalition, Indian Law Resource Center, International Educational Development Inc., International Falcon Movement, International Federation of ACAT (Action of Christians for the Abolition of Torture), International Federation for the

Protection of the Rights of Ethnic, Religious, Linguistic and other Minorities, International Human Rights Internship Program, International Humanist and Ethical Union, International Inner Wheel, International P.E.N., International Press Institute, International Progress Organization, Liberation, Minority Rights Group, Movement against Racism and for Friendship among Peoples, Planetary Citizens, Romani Union, Survival International, War Amputations of Canada, World Alliance of Reformed Churches, World Association for the School as an Instrument of Peace, World Organization against Torture, World Press Freedom Committee, World Social Prospects Association, World Union for Progressive Judaism.

Annex III

ADMINISTRATIVE AND PROGRAMME BUDGET IMPLICATIONS OF RESOLUTIONS AND DECISIONS ADOPTED BY THE SUB-COMMISSION AT ITS FORTY-THIRD SESSION

At its forty-third session, the Sub-Commission on Prevention of Discrimination and Protection of Minorities adopted 16 resolutions and 4 decisions having financial implications. Prior to the adoption of these resolutions and decisions, statements of their administrative and programme budget implications were submitted on behalf of the Secretary-General, in compliance with financial regulation 13.1 and rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council. These administrative and programme budget implications are presented below. They relate to the following resolutions and decisions:

Resolution 1991/1
Resolution 1991/14
Resolution 1991/18
Resolution 1991/19
Resolution 1991/20
Resolution 1991/22
Resolution 1991/23
Resolution 1991/24
Resolution 1991/25
Resolution 1991/26
Resolution 1991/27
Resolution 1991/30
Resolution 1991/32
Resolution 1991/34
Resolution 1991/35
Resolution 1991/39
Decision 1991/109
Decision 1991/111
Decision 1991/112
Decision 1991/117

Should the action taken by the Commission on Human Rights and the Economic and Social Council in respect of the above-mentioned resolutions of the Sub-Commission require the Secretary-General to enter into commitments during 1992, 1993 and 1994, additional appropriations may be required for the biennia 1990-1991, 1992-1993 and 1994-1995.

Resolution 1991/1. Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist regime of South Africa

A. Requests contained in the resolution

1. By operative paragraph 3 of the draft resolution recommended for adoption by the Economic and Social Council, the Special Rapporteur, Mr. A. Khalifa, would be invited:

(a) To continue to update the list of banks, transnational corporations and other organizations assisting the racist regime in South Africa, giving such details regarding enterprises listed as he may consider necessary and appropriate, including explanations of responses, if any, and to submit the updated report through the Sub-Commission to the Commission on Human Rights;

(b) To use all available material from other United Nations organs, Member States, national liberation movements recognized by the Organization of African Unity, specialized agencies, other intergovernmental and non-governmental organizations and other relevant sources in order to indicate the volume, nature and adverse human consequences of the assistance given to the racist regime of South Africa;

(c) To intensify direct contacts with the United Nations Centre on Transnational Corporations and the Centre against Apartheid with a view to consolidating mutual cooperation in updating his report.

2. By operative paragraphs 7 to 10 of the draft resolution, the Secretary-General would be requested, in accordance with General Assembly resolution 45/84 of 14 December 1990, to make available to the Special Rapporteur two economists to help him develop his analysis and documentation on specific cases of special importance; to give the Special Rapporteur all the assistance that he might require in the exercise of his mandate, with a view to intensifying direct contacts with the United Nations Centre on Transnational Corporations and the Centre Against Apartheid and to consolidating mutual cooperation in updating his report; to bring the updated report of the Special Rapporteur to the attention of Governments whose national financial institutions continue to deal with the regime of South Africa and to call upon them to provide the Special Rapporteur with any information or comments they might wish to present on the matter; and to get in touch with the Government of South Africa with a view to enabling the Special Rapporteur to visit South Africa on special mission for the purposes of the next updating of the report.

B. Relationship of requests to programme of work

3. The activities referred to above fall under major programme VII: Human rights, fundamental freedoms and humanitarian affairs, programme 35: Promotion and protection of human rights, subprogramme 2: Elimination and prevention of discrimination and protection of minorities and vulnerable

groups, the objectives of and the strategy for which are described in paragraphs 35.19 to 35.26 of the proposed medium-term plan for the period 1992-1997 (A/45/6).

4. The activity is included in the proposed programme budget for the biennium 1992-1993 under the following subprogramme of section 28 (Human rights):

Subprogramme 2. Elimination and prevention of discrimination and protection of minorities and vulnerable groups

1. Parliamentary services

(a) Parliamentary documentation

Preparation of two reports on an updated list of banks, transnational corporations and other organizations assisting South Africa.

C. Activities by which the requests would be implemented

5. Subject to the response of the Government of South Africa to the request of the Secretary-General that the Special Rapporteur undertake a visit to South Africa (General Assembly resolution 45/84 of 14 December 1990 and Economic and Social Council resolution 1991/26 of 31 May 1991), it is envisaged that the Special Rapporteur will travel from Cairo via Geneva to South Africa for a period of 10 working days, accompanied by a staff member of the Centre for Human Rights, in the early part of 1992, within the perspective of the next update of his report.

6. It is envisaged that the Special Rapporteur will travel from Cairo to New York for a period of five working days in 1992 in order to contact the Centre on Transnational Corporations and the Centre Against Apartheid. Later in 1992 the Special Rapporteur will travel from Cairo to Geneva for five working days for consultations at the Centre for Human Rights. As requested in paragraph 7 of the draft resolution, the services of two economists to help him develop his analysis and documentation on specific cases of special importance would be required. By General Assembly resolution 45/84 and Economic and Social Council resolution 1991/26, the Special Rapporteur was requested to continue to update the list of banks, transnational corporations and other organizations assisting the racist regime of South Africa.

D. Modifications required in the programme of work

7. No modification is required in the proposed programme of work for 1992-1993, since this activity appears under subprogramme 2.

E. Additional requirements at full cost

8. The estimated cost of the above programme of work is itemized as follows:

	1992 (US dollars)
One round trip of the Special Rapporteur to South Africa (10 working days) accompanied by a staff member of the Centre for Human Rights	
Travel and subsistence of Special Rapporteur	5 800
Travel and subsistence of a staff member of the Centre for Human Rights	4 700
One round trip of the Special Rapporteur to New York (5 working days)	
Travel and subsistence	4 400
One round trip of the Special Rapporteur to Geneva (5 working days) for consultations at the Centre for Human Rights	
Travel and subsistence	2 700
Consultant economists to assist the Special Rapporteur with analytical work Four work-months	22 000
	39 600

9. The relevant costs to be financed under section 28 (Human rights) are estimated at $39,600 for 1992.

Resolution 1991/14. The right to a fair trial

A. Requests contained in the resolution

1. By operative paragraphs 2 and 3 of the draft resolution recommended for adoption by the Commission on Human Rights, the Commission would endorse the request of the Sub-Commission to Mr. Stanislav Chernichenko and Mr. William Treat to continue the preparation of their study on the right to a fair trial: current recognition and measures necessary for its strengthening, and would request the Secretary-General to provide the two Special Rapporteurs with all the assistance they may require.

B. Relationship of requests to programme of work

2. The activities referred to above fall under major programme VII: Human rights, fundamental freedoms and humanitarian affairs, programme 35: Promotion and protection of human rights, subprogramme 4: Research, studies and standard-setting, the objectives of and the strategy for which are described in paragraphs 35.38 to 35.43 of the proposed medium-term plan for the period 1992-1997 (A/45/6).

3. The activity is included in the proposed programme budget for the biennium 1992-1993 under the following subprogramme of section 28 (Human rights):

Subprogramme 4. Research, studies and standard-setting

1. Parliamentary services

(a) Parliamentary documentation

Preparation of a report on administration of justice aimed at elaborating a model text for national legislation

2. Published material

(b) Technical publication

The right to a fair trial

C. Activities by which the requests would be implemented

4. In carrying out their mandate, the Special Rapporteurs propose to follow a basic plan as outlined in paragraphs 108 to 117 of their second report (E/CN.4/Sub.2/1991/29). This plan represents a tentative outline. The Special Rapporteurs may, therefore, require additional resources in the implementation of their mandate, although every effort will be made to keep within the parameters set out in the present document. The programme budget implications given here relate to the preparation of the third report, due for submission to the Sub-Commission at its forty-fourth session in 1992, as well as to the fourth and fifth reports. For the latter, it should be noted that the Sub-Commission's decision to extend the mandate of the Special Rapporteurs until 1994 will have to be endorsed by the Commission on Human Rights and by the Economic and Social Council. In this regard, reference is made to Economic and Social Council resolution 1991/28 of 31 May 1991, in which it requested the two Special Rapporteurs to draft a questionnaire on the right to a fair trial and to produce a preliminary report submission to the Commission on Human Rights at its forty-eighth session in 1992. The following activities are envisaged:

(a) The study as described in the second report will necessitate extensive research, as well as the processing of information obtained in response to the questionnaire referred to in the report and the draft resolution. As stated in Economic and Social Council resolution 1991/28, this study is intended to develop into a model code of international standards containing basic guarantees necessary for a fair trial. This is anticipated to entail the provision of adequate computerized facilities, including access to specialized databanks, and would also require the engagement of a specialist in computerized research technology, who would be hired for approximately six months in 1992, in 1993 and in 1994 to assist the Centre for Human Rights in providing the research support required;

(b) It is further envisaged that both Special Rapporteurs would travel to Vienna in March 1992 to consult with officials of the Centre for Social Development and Humanitarian Affairs and the Committee on Crime Prevention and Control for a period of five working days. For 1993, a similar trip is foreseen for further consultations;

(c) Consultations by the Special Rapporteurs at the Centre for Human Rights at Geneva are estimated to require a period of five working days in 1992, in 1993 and in 1994.

D. Modifications required in the programme of work

5. No modification is required in the proposed programme of work for 1992-1993, since this activity appears under subprogramme 4.

E. Additional requirements at full cost

6. The estimated cost of the programme of work is itemized as follows:

	1992	1993	1994
	(US dollars)		
One round trip to Geneva in 1992, in 1993 and in 1994 of the two Special Rapporteurs for consultations at the Centre for Human Rights (5 working days per trip)			
Travel and subsistence	6 900	7 200	7 600
One round trip to Vienna in 1992 and in 1993 of the two Special Rapporteurs for consultations at the Centre for Social Development and Humanitarian Affairs and the Committee on Crime Prevention (5 working days per trip)			
Travel and subsistence	7 000	7 400	

	1992	1993	1994
		(US dollars)	
Specialist in computerized research technology to assist the Special Rapporteurs Six work-months in 1992, in 1993 and in 1994	33 000	34 700	36 400
	46 900	49 300	44 000

7. The relevant costs to be financed under section 28 (Human rights) are estimated at $46,900 for 1992, $49,300 for 1993 and $44,000 for 1994.

Resolution 1991/18. Question of human rights and states of emergency

A. Requests contained in the resolution

1. By paragraphs 7, 8, 10 and 11 of the resolution, the Sub-Commission invited the Special Rapporteur, Mr. L. Despouy, to continue the work with which he has been entrusted and to present to the Sub-Commission, at its forty-fourth session, the next annual report and list updated on the basis of the information received, and to update his present report so that the Commission on Human Rights, at its forty-eighth session, would have before it the most recent and accurate information available. The Special Rapporteur was also requested to continue and complete work on the draft guidelines for the development of legislation on states of emergency and in particular the question of non-derogable rights, and encouraged to undertake contacts and consultations with appropriate technical institutions and experts with a view to facilitating the receipt, storage and retrieval of information relating to his mandate. The Sub-Commission also requested the Secretary-General to give the Special Rapporteur all the assistance he may require to enable him to carry out his work successfully, and in particular to respond in an effective way to the information submitted to him.

B. Relationship of requests to programme of work

2. The activities referred to above fall under major programme VII: Human rights, fundamental freedoms and humanitarian affairs, programme 35: Promotion and protection of human rights, subprogramme 4: Research, studies and standard-setting, the objectives of and the strategy for which are described in paragraphs 35.38 to 35.43 of the medium-term plan for the period 1992-1997 (A/45/6).

3. The activity is included in the proposed programme budget for the biennium 1992-1993 under the following subprogramme of section 28 (Human rights):

Subprogramme 4. Research, studies and standard-setting

2. Published material

List of countries that proclaim, extend or terminate a state of emergency

C. Activities by which the requests would be implemented

4. In order to carry out the requests contained in the draft resolution, the following activities are envisaged. These activities are based on a plan that the Special Rapporteur proposes to follow in carrying out his mandate. This plan continues with the methodology used thus far by the Special Rapporteur, as described in chapter IV of his fourth report (E/CN.4/Sub.2/1991/28):

(a) The resolution invites the Special Rapporteur to continue his work and requests the Secretary-General to give him all necessary assistance. As stated in his third report (chapter III. Remarks and observations), the Special Rapporteur has experienced problems in carrying out his mandate given the volume of work involved and the anticipated considerable increase in the flow of information requiring analysis. The Special Rapporteur would therefore require the organization of the voluminous information he receives through the application of computer technology, which will require additional resources. It is estimated that to support the Special Rapporteur, specialized assistance would be required for approximately nine months, in addition to secretarial assistance for the same period. In this regard, it should be noted that by decision 1991/262, the Economic and Social Council endorsed Sub-Commission resolution 1990/19 in which the Special Rapporteur was requested to continue to update the list on states of emergency, including draft standard provisions on emergency situations;

(b) In view of the request that the Special Rapporteur continue and complete work on the guidelines for the development of legislation on states of emergency, he will also require to be provided with specialized professional support in the form of an expert in international and comparative law and practice;

(c) By paragraph 10, the Special Rapporteur is encouraged to undertake contacts with appropriate technical institutions. It is envisaged that such consultations will take place early in 1992 for a period of three working days either in Geneva or in another European city with a view to discussing the preparation of a meeting of experts in the autumn of 1992 to discuss the possible establishment of a more permanent database on states of emergency;

(d) Consultations by the Special Rapporteur at the Centre for Human Rights at Geneva are estimated to require a period of five working days in 1991 (subject to the availability of funds) to prepare for the submission of his fourth report to the Commission on Human Rights and a further 10 working days in May/June 1992.

D. Modifications required in the programme of work

5. No modification is required in the proposed programme of work for 1992-1993, since this activity appears under subprogramme 4.

E. Additional requirements at full cost

6. The estimated cost of the programme of work is itemized as follows:

	1992 (US dollars)
One round trip to Geneva in 1992 of the Special Rapporteur for consultations at the Centre for Human Rights (10 working days)	
Travel and subsistence	6 100
One round trip to Geneva or other European city in 1992 of the Special Rapporteur (3 working days)	
Travel and subsistence	4 400
Consultancy services	
Two consultants for a period of nine work-months each	99 000
General temporary assistance	
Nine work-months at the General Service level	41 400
	150 900

7. The relevant costs to be financed under section 28 (Human rights) are estimated at $150,900 for 1992.

Resolution 1991/19. Human rights and disability

A. Requests contained in the resolution

1. By operative paragraph 4 of the draft resolution recommended for adoption by the Economic and Social Council, the Council would decide that the final report on human rights and disability should be published by the United Nations in all the official languages, as well as in Braille, in large print and on cassettes, and given the widest possible circulation.

B. Relationship of requests to programme of work

2. The activities referred to above fall under major programme VII: Human rights, fundamental freedoms and humanitarian affairs, programme 35: Promotion and protection of human rights, subprogramme 2: Elimination and prevention of discrimination and protection of minorities and vulnerable groups, the objectives of and the strategy for which are described in paragraphs 35.19 to 35.26 of the proposed medium-term plan for the period 1992-1997 (A/45/6).

3. The activity is included in the proposed programme budget for the biennium 1992-1993 under the following subprogramme of section 28 (Human rights):

Subprogramme 2. Elimination and prevention of discrimination and protection of minorities and vulnerable groups

Activities aimed at the protection of vulnerable groups such as the disabled

C. Activities by which the requests would be implemented

4. It is envisaged that the report will be published in all official languages, as well as in Braille, in large print and on cassettes, and given the widest possible circulation.

D. Modifications required in the programme of work

5. No modification is required in the proposed programme of work for 1992-1993, since this activity appears under subprogramme 2.

E. Additional requirements at full cost

6. The estimated cost of the above programme of work is itemized as follows:

	1992 (US dollars)
Offset reproduction and distribution in the six official languages of the United Nations	69 200
Reproduction in Braille, in large print and on cassettes*	498 800
	568 000

7. The relevant costs to be financed under section 28 (Human rights) are estimated at $568,000 for 1992.

Resolution 1991/20. Human rights and youth

A. Requests contained in the resolution

1. By operative paragraphs 3, 4 and 5 of the draft resolution recommended for adoption by the Economic and Social Council, it would be decided to invite the Special Rapporteur, Mr. D. Mazilu, to update his report on human rights

* Subject to availability of resources.

and youth in the light of the suggestions of the Sub-Commission; to invite Mr. Mazilu to consult governmental and non-governmental organizations in order to elaborate further and to complete his work on the draft charter of the rights and freedoms of youth; and to request the Secretary-General to continue to gather and supply to Mr. Mazilu information and data relating to his study and to provide him with all the assistance he may need in completing his report, including consultations at the Centre for Human Rights, in order that he may submit his final report to the Sub-Commission at its forty-fourth session in 1992.

B. Relationship of requests to programme of work

2. The activities referred to above fall under major programme VII: Human rights, fundamental freedoms and humanitarian affairs, programme 35: Promotion and protection of human rights, subprogramme 2: Elimination and prevention of discrimination and protection of minorities and vulnerable groups, the objectives of and the strategy for which are described in paragraphs 35.19 to 35.26 of the proposed medium-term plan for the period 1992-1997 (A/45/6).

3. The activity is included in the proposed programme budget for the biennium 1992-1993 under the following subprogramme of section 28 (Human rights):

Subprogramme 2. Elimination and prevention of discrimination and protection of minorities and vulnerable groups

1. Parliamentary services

(a) Parliamentary documentation

Report to the Sub-Commission on Prevention of Discrimination and Protection of Minorities on human rights and youth

C. Activities by which the requests would be implemented

4. In order to carry out the request contained in the draft resolution, the following activities are envisaged. These activities are based on a plan that the Special Rapporteur proposes to follow in carrying out his mandate. This plan represents a tentative outline; the Special Rapporteur may therefore require additional resources in the implementation of his mandate, although every effort will be made to keep within the parameters set out in this document.

(a) The draft resolution invites the Special Rapporteur to update his report and submit his study in its final form at the forty-fourth session of the Sub-Commission in 1992. In this regard, it is suggested that the Special Rapporteur consult governmental organizations and non-governmental organizations to elaborate further and complete his work on the draft charter of rights and freedoms of youth;

(b) It is envisaged that the Special Rapporteur will have to travel to Geneva for consultations at the Centre for Human Rights in 1992. It is also envisaged that the Special Rapporteur will travel to Paris to attend a meeting on the subject of youth.

D. Modifications required in the programme of work

5. No modification is required in the proposed programme of work for 1992-1993, since this activity appears under subprogramme 2.

E. Additional requirements at full cost

6. The estimated cost of the programme of work is itemized as follows:

	1992 (US dollars)
One round trip of the Special Rapporteur to Geneva in 1992 for consultations at the Centre for Human Rights (5 working days)	
Travel and subsistence	2 200
One round trip of the Special Rapporteur to Paris in 1992 to attend a meeting on youth (5 working days)	
Travel and subsistence	2 500
	4 700

7. The relevant costs to be financed under section 28 (Human rights) are estimated at $4,700 for 1992.

Resolution 1991/22. Possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities

A. Requests contained in the resolution

1. By paragraphs 5 to 9 of the resolution the Sub-Commission requested the Secretary-General to prepare, with the cooperation of the Special Rapporteur, Mr. Asbjørn Eide, the technical meeting of experts on minorities, provided for in Commission on Human Rights resolution 1991/62, with a view to it taking place in 1992; authorized the Special Rapporteur to visit three States, in different continents, in which minorities problems occur and to communicate directly with Governments and minorities in order to gain first-hand information; requested the Special Rapporteur, in updating his report, to take into consideration the views expressed and comments made by the members of the Sub-Commission and the replies submitted by Governments, specialized agencies

and intergovernmental and non-governmental organizations; also requested the Special Rapporteur to submit an updated report to the Sub-Commission at its forty-fourth session and his final report to the Sub-Commission at its forty-fifth session in 1993; and requested the Secretary-General to give the Special Rapporteur all the assistance he may require to enable him to carry out his work successfully.

B. Relationship of requests to programme of work

2. The activities referred to above fall under major programme VII: Human rights, fundamental freedoms and humanitarian affairs, programme 35: Promotion and protection of human rights, subprogramme 2: Elimination and prevention of discrimination and protection of minorities and vulnerable groups, the objectives of and the strategy for which are described in paragraphs 35.19 to 35.26 of the proposed medium-term plan for the period 1992-1997 (A/45/6).

3. The activity is included in the proposed programme budget for the biennium 1992-1993 under the following subprogramme of section 28 (Human rights):

Subprogramme 2. Elimination and prevention of discrimination and protection of minorities and vulnerable groups

Activities aimed at the protection of vulnerable groups

C. Activities by which the requests would be implemented

4. In order to carry out the requests contained in the draft resolution, the following activities are envisaged. These activities are based on a plan that the Special Rapporteur proposes to follow in carrying out his mandate. This plan represents a tentative outline; the Special Rapporteur may therefore require additional resources in the implementation of his mandate, although every effort will be made to keep within the parameters set out in this document.

(a) Information will have to be compiled on national arrangements for minorities as described in replies to a questionnaire that will be sent by the Special Rapporteur to those Governments and other organizations which have not yet replied to the earlier questionnaire, as contained in States parties reports to treaty-monitoring bodies and resulting from research conducted in accordance with the outline of the Special Rapporteur;

(b) The compilation of information is anticipated to require the services of a specialist in the field of minority rights for an estimated duration of three months in 1992 and three months in 1993;

(c) Contacts with Governments are to be established by the Special Rapporteur which, it is anticipated, will necessitate visits to an estimated three countries (in Africa, Asia and North America) to seek further views and information from Governments;

(d) A meeting of experts will be convened to examine information and exchange views on progress reports of the Special Rapporteur prior to the submission of his final report to the Sub-Commission. This will be a technical meeting of an estimated six experts (convened in their personal capacity) from Eastern Europe, South Asia, Africa, Latin America, North America and Western Europe; the meeting will take place for an estimated duration of three working days in the autumn of 1992 at Geneva;

(e) Consultations by the Special Rapporteur at the Centre for Human Rights at Geneva will be required for an estimated one week in 1992 and again in 1993.

D. Modifications required in the programme of work

5. No modification is required in the proposed programme of work for 1992-1993, since this activity appears under subprogramme 4.

E. Additional requirements at full cost

6. The estimated cost of the programme of work is itemized as follows:

	1992	1993
	(US dollars)	
Three round trips of the Special Rapporteur to Africa, Asia and North America for consultations with Governments (5 working days each time)		
Travel and subsistence*	8 000	4 000
Two round trips to Geneva of the Special Rapporteur for consultations at the Centre (5 working days each time)		
Travel and subsistence	2 700	2 700
One round trip to Geneva of six experts to attend a technical meeting (3 working days)		
Travel and subsistence*	18 000	
Consultancy services		
Three work-months in 1992 and in 1993	16 500	17 300
	45 200	24 000

* Calculated on an average cost basis.

7. The relevant costs to be financed under section 28 (Human rights) are estimated at $45,200 for 1992 and $24,000 for 1993.

8. Conference servicing costs to be financed under section 32 (Conference Services Division, Geneva) are estimated at $8,700 for 1992.

Resolution 1991/23. Traditional practices affecting the health of women and children

A. Requests contained in the draft resolution

1. By the draft decision recommended for adoption by the Commission on Human Rights, the Sub-Commission would recommend that (a) the subject of harmful traditional practices affecting the health of women and children be maintained on the agenda of the Sub-Commission in so far as they constitute violations of human rights within the meaning of the relevant provisions of the International Bill of Human Rights and many other relevant international conventions, in particular the Convention on the Rights of the Child; (b) the mandate of the Special Rapporteur, Ms. H.E. Warzazi, be extended for two years so as to enable her to present a plan of action for the elimination of harmful traditional practices affecting the health of women and children and a report on the regional seminar which will take place in Asia to the Sub-Commission at its forty-fifth session; (c) the Centre for Human Rights provide a full-time Professional staff member to follow up the question of traditional practices affecting the health of women and children, and to liaise with Governments, United Nations agencies and regional commissions, non-governmental organizations and other concerned institutions, with special emphasis on gathering data from the many organizations currently working to eliminate harmful traditional practices; (d) the Centre for Human Rights provide all the assistance that the Special Rapporteur might require in the exercise of her mandate.

B. Relationship of requests to programme of work

2. The activities referred to above fall under major programme VII: Human rights, fundamental freedoms and humanitarian affairs, programme 35: Promotion and protection of human rights, subprogramme 2: Elimination and prevention of discrimination and protection of minorities and vulnerable groups, the objectives of and the strategy for which are described in paragraphs 35.19 to 35.26 of the proposed medium-term plan for the period 1992-1997 (A/45/6).

3. The activity is included in the proposed programme budget for the biennium 1992-1993 under the following subprogramme of section 28 (Human rights):

Subprogramme 2. Elimination and prevention of discrimination and protection of minorities and vulnerable groups

1. Parliamentary services

(a) Parliamentary documentation

Study on recent developments with regard to traditional practices affecting the health of women and children (annual)

C. Activities by which the requests would be implemented

4. It is envisaged that the Special Rapporteur will travel to Geneva for a period of five working days each time in 1992 and in 1993, to hold consultations at the Centre for Human Rights and to organize and plan her work in relation to her mandate. Consideration would be given to organizing a regional seminar on traditional practices affecting the health of women and children in Asia, early in 1992, under the Centre's programme of advisory services in the field of human rights, as called for by decision 1990/109 of 7 March 1990 of the Commission on Human Rights.

5. Twelve work-months of temporary assistance at the P-3 level will be required to assist the Special Rapporteur and to liaise with Governments, United Nations agencies and regional commissions, non-governmental organizations and other concerned institutions, with special emphasis on data-gathering.

D. Modifications required in the programme of work

6. No modification is required in the proposed programme of work for 1992-1993, since this activity appears under subprogramme 2.

E. Additional requirements at full cost

7. The estimated cost of the above programme of work is itemized as follows:

	1992	1993
	(US dollars)	
Two round trips of the Special Rapporteur to Geneva (5 working days) for consultations with the Centre for Human Rights		
Travel and subsistence	2 400	2 500
General temporary assistance		
Twelve work-months at the P-3 level (6 work-months per year)	33 000	34 700
	35 400	37 200

8. The relevant costs to be financed under section 28 (Human rights) are estimated at $35,400 for 1992 and $37,200 for 1993.

Resolution 1991/24. Human rights and the environment

A. Requests contained in the draft resolution

1. By paragraphs 2 and 3 of the resolution, the Sub-Commission requested the Special Rapporteur, Ms. F.Z. Ksentini, to prepare for the Sub-Commission at its forty-fourth session a progress report on human rights and the environment, and reiterated the recommendation contained in Commission on Human Rights resolution 1991/44 that Ms. Ksentini be invited to participate as an observer at the United Nations Conference on Environment and Development, to be held in Brazil in 1992. By paragraph 6, the Sub-Commission requested the Secretary-General to provide the Special Rapporteur with all the assistance she might require for the preparation of her study, and the necessary assistance to compile and analyse the information and documents collected.

B. Relationship of requests to programme of work

2. The activities referred to above fall under major programme VII: Human rights, fundamental freedoms and humanitarian affairs, programme 35: Promotion and protection of human rights, subprogramme 4: Research, studies and standard-setting, the objectives of and the strategy for which are described in paragraphs 35.38 to 35.43 of the medium-term plan for the period 1992-1997 (A/45/6).

Subprogramme 4. Research, studies and standard-setting

2. Published material

(b) Technical publications

Human rights and the environment

C. Activities by which the requests would be implemented

3. In carrying out her mandate, the Special Rapporteur proposes to follow the methodology described in her note prepared pursuant to Sub-Commission resolution 1989/108 (E/CN.4/Sub.2/1990/12). This plan represents a tentative outline. The Special Rapporteur may, therefore, require additional resources in the implementation of her mandate, although every effort will be made to keep within the parameters set out in the present document. The Special Rapporteur is requested to present a progress report to the Sub-Commission at its forty-fourth session in 1992. It should be noted that, by decision 1991/244, the Economic and Social Council approved the appointment of Ms. Ksentini as Special Rapporteur to prepare a study on human rights and the environment. The following activities are envisaged:

(a) The nature of the subject of the study will require the provision of specialized knowledge combining, in particular, international law and environmental questions. This would require the engagement of such a specialist for a duration of approximately three months to assist the Centre for Human Rights in providing the research support required;

(b) The Special Rapporteur is authorized to participate as an observer at the United Nations Conference on Environment and Development, due to take place in Brazil in 1992, provision for which has already been made in the programme budget implications of resolution 1991/44 of the Commission on Human Rights;

(c) Consultations by the Special Rapporteur at the Centre for Human Rights at Geneva are estimated to require a period of five working days in 1992.

D. Modifications required in the programme of work

4. No modification is required in the proposed programme of work for 1992-1993, since this activity appears under subprogramme 4.

E. Additional requirements at full cost

5. The estimated cost of the programme of work is itemized as follows:

	1992 (US dollars)
One round trip of the Special Rapporteur to Geneva for consultations at the Centre for Human Rights (5 working days)	
Travel and subsistence	1 700
Consultancy services	
Three work-months	16 500
	18 200

6. The relevant costs to be financed under section 28 (Human rights) are estimated at $18,200 for 1992.

Resolution 1991/25. The right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms

A. Requests contained in the draft resolution

1. By paragraphs 2 and 3 of the resolution, the Sub-Commission requested the Special Rapporteur, Mr. T. van Boven, to continue his study, taking into account comments made in the discussion on the preliminary and progress reports at the forty-third session, as well as relevant developments in the area of crime prevention and control; to submit at the forty-fourth session a further progress report; and to prepare a final report to be presented at the

forty-fifth session in 1993. The Sub-Commission also requested the Secretary-General to provide all the assistance required by the Special Rapporteur to carry out his study.

B. Relationship of requests to programme of work

2. The activities referred to above fall under major programme VII: Human rights, fundamental freedoms and humanitarian affairs, programme 35: Promotion and protection of human rights, subprogramme 4: Research, studies and standard-setting, the objectives of and the strategy for which are described in paragraphs 35.38 to 35.43 of the medium-term plan for the period 1992-1997 (A/45/6).

3. The activity is included in the proposed programme budget for the biennium 1992-1993 under the following subprogramme of section 28 (Human rights):

Subprogramme 4. Research, studies and standard-setting

2. Published material

Compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms

C. Activities by which the requests would be implemented

4. In carrying out his mandate, the Special Rapporteur proposes to follow the plan of study referred to in paragraphs 6 and 7 of his preliminary report (E/CN.4/Sub.2/1990/10). This plan represents a tentative outline. The Special Rapporteur may, therefore, require additional resources in the implementation of his mandate, although every effort will be made to keep within the parameters set out in the present document. In paragraph 2 of the progress report (E/CN.4/Sub.2/1991/7) the Special Rapporteur indicated that more work should be done to give a complete overview of the matter of the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms.

(a) The outline of the study, as contained in the annex to the preliminary report (E/CN.4/Sub.2/1990/10), will necessitate the provision of specialized knowledge combining, in particular, international law, penal law, humanitarian law and constitutional law. It is envisaged to engage the services of such a specialist for a duration of approximately three months to assist the Centre for Human Rights in providing the research support required;

(b) Since no consultations took place during 1991-1992, the Special Rapporteur will need to undertake consultations at the Centre for Social Development and Humanitarian Affairs at Vienna. It is anticipated that this will require a visit to Vienna for an estimated duration of four working days in 1992;

(c) Consultations by the Special Rapporteur at the Centre for Human Rights at Geneva are estimated to be required for a period of five working days both in 1992 and 1993.

D. Modifications required in the programme of work

5. No modification is required in the proposed programme of work for 1992-1993, since this activity appears under subprogramme 4.

E. Additional requirements at full cost

6. The estimated cost of the programme of work is itemized as follows:

	1992	1993
	(US dollars)	
One round trip to Geneva in 1992 and in 1993 of the Special Rapporteur for consultations at the Centre for Human Rights (5 working days each trip)		
Travel and subsistence	2 100	2 200
One round trip to Vienna in 1992 of the Special Rapporteur for consultations at the Centre for Social Development and Humanitarian Affairs (4 working days)		
Travel and subsistence	2 200	
Consultancy services		
Three work-months	16 500	
	20 800	2 200

7. The relevant costs to be financed under section 28 (Human rights) are estimated at $20,800 for 1992 and $2,200 for 1993.

Resolution 1991/26. Promoting the realization of the right to adequate housing

A. Requests contained in the draft resolution

1. In paragraph 3 of the resolution, the United Nations Centre for Human Rights is requested to compile and publish a "Human rights fact sheet" on the right to adequate housing.

B. Relationship of request to programme of work

2. The activity referred to above falls under major programme VII: Human rights, fundamental freedoms and humanitarian affairs, programme 35: Promotion and protection of human rights, subprogramme 3: Advisory services and technical cooperation, the objectives of and the strategy for which are described in paragraphs 35.27 to 35.37 of the proposed medium-term plan for the period 1992-1997 (A/45/6).

3. The activity is included in the proposed programme budget for the biennium 1992-1993 under the following subprogramme of section 28 (Human rights):

Subprogramme 3. Advisory services and technical cooperation

3. Published material

Eight fact sheets

C. Activities by which the requests would be implemented

4. For the compilation of the fact sheet, it is envisaged to hire a consultant with expert knowledge of the right to housing as a human right for a period of two months. The fact sheet would be printed in the six official languages of the United Nations in the amount of 10,000 copies per language.

D. Modifications required in the programme of work

5. No modification is required in the proposed programme of work for 1992-1993, since this activity appears under subprogramme 3.

E. Additional requirements at full cost

6. The estimated cost of the above programme of work is itemized as follows:

	1992 (US dollars)
Consultancy services	
Two work-months	11 000
Printing of fact sheets	25 500
	36 500

7. The relevant costs to be financed under section 28 (Human rights) are estimated at $36,500 for 1992.

Resolution 1991/27. Realization of economic, social and cultural rights

A. Requests contained in the draft resolution

1. By paragraph 8 of the resolution the Sub-Commission requested the Secretary-General to:

(a) Ensure the widest possible distribution of the progress reports of the Special Rapporteur throughout the United Nations system, especially among programmes and agencies with mandates in the economic, social and cultural fields;

(b) Prepare a note containing an outline of a possible set of basic policy guidelines on structural adjustment, taking into account the relevant parts of the second progress report of the Special Rapporteur;

(c) Provide the Special Rapporteur with all the assistance he may require for the successful completion of his task, and to make available to him all relevant information from sources within the United Nations system.

2. By paragraph 9 of the resolution, the Sub-Commission requested the Special Rapporteur to present his final report to the Sub-Commission at its forty-fourth session.

B. Relationship of requests to programme of work

3. The activities referred to above fall under major programme VII: Human rights, fundamental freedoms and humanitarian affairs, programme 35: Promotion and protection of human rights, subprogramme 4: Research, studies and standard-setting, the objectives of and the strategy for which are described in paragraphs 35.38 to 35.43 of the medium-term plan for the period 1992-1997 (A/45/6).

4. The activity is included in the programme budget for the biennium 1992-1993 under the following subprogramme of section 28 (Human rights):

Subprogramme 4. Research, studies and standard-setting

2. Published material

(b) Technical publications

Study on the realization of economic, social and cultural rights

C. Activities by which the requests would be implemented

5. In carrying out his mandate, the Special Rapporteur proposes to follow the plan suggested in his second progress report (E/CN.4/Sub.2/1991/17), in particular paragraphs 229 and 230. This represents a tentative outline. The Special Rapporteur may, therefore, require additional resources in the implementation of his mandate, although every effort will be made to keep within the parameters set out in this document.

(a) The Special Rapporteur has been requested to hold further consultations with the specialized agencies of the United Nations and with international financial institutions in order to prepare a consolidated set of conclusions and recommendations to be included in his final report. It is envisaged that, for this purpose, the Special Rapporteur will travel to New York and Washington for a period of five working days, early in 1992;

(b) The resolution requests the Secretary-General to provide the Special Rapporteur with all the assistance he may require for the successful completion of his task. It is envisaged to hire a consultant with expert knowledge of indicators for approximately six months in 1991/1992;

(c) Consultations by the Special Rapporteur at the Centre for Human Rights at Geneva are estimated to be required for a period of five working days in 1991 and five working days in 1992.

D. Modifications required in the programme of work

6. No modification is required in the proposed programme of work for 1992-1993, since this activity appears under subprogramme 4.

E. Additional requirements at full cost

7. The estimated cost of the programme of work is itemized as follows:

	1992 (US dollars)
One round trip of the Special Rapporteur to establish contacts with international financial institutions in New York and Washington (5 working days)	
Travel and subsistence	5 000
One round trip of the Special Rapporteur for consultations at the Centre for Human Rights (5 working days)	
Travel and subsistence	2 000
Consultancy services	
Three work-months	16 500
	23 500

8. The relevant costs to be financed under section 28 (Human rights) are estimated at $23,500 for 1992.

Resolution 1991/30. Draft universal declaration of indigenous rights

A. Requests contained in the draft resolution

1. By paragraph 7 of the resolution the Sub-Commission requested the Secretary-General:

(a) To transmit the report of the Working Group on Indigenous Populations on its ninth session to Governments, indigenous peoples, intergovernmental and non-governmental organizations, as soon as possible after the forty-third session of the Sub-Commission, for specific comments and suggestions for the completion of the first reading of the text and the beginning of the second reading at the tenth session of the Working Group;

(b) To ensure that all meetings of the Working Group at its tenth and future sessions are provided with interpretation and documentation in both English and Spanish;

(c) To organize the regional training course in Latin America on the United Nations, human rights and indigenous peoples, as a matter of the highest priority and in accordance with paragraph 8 (d) of Sub-Commission resolution 1990/26, as approved by the Commission on Human Rights in its resolution 1991/59;

(d) To give all necessary assistance to the Working Group in discharging its tasks, including more effective dissemination of information about its activities to indigenous peoples in every country in order to encourage their wider participation.

2. By paragraph 8 of the resolution, the Sub-Commission recommended that the Chairman-Rapporteur of the Working Group, Ms. E.-I. Daes, be entrusted with the task of further elaborating the paragraphs of the draft declaration which were agreed upon by the members of the Working Group at first reading, taking into account the relevant written observations received pursuant to paragraph 7 (a) of the resolution, and to facilitate further progress on standard-setting at the tenth session of the Working Group. The Sub-Commission also requested the Secretary-General to provide Ms. Daes with all the assistance she might require for the completion of this task.

3. By paragraph 11 of the resolution, the Sub-Commission authorized Ms. Daes to attend the Conference on the Human Dimension in Moscow, in order to draw the attention of States participating in the Conference on Security and Cooperation in Europe (CSCE) to the activities of the Working Group, in particular the recommendation that they consider the issue of recognition and protection of the rights of indigenous peoples.

4. By paragraph 14 of the resolution, the Sub-Commission recommended the following draft decision to the Commission on Human Rights for adoption:

> "The Commission on Human Rights, noting resolution 1991/30 of 29 August 1991 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, decides to recommend to the Economic and Social Council that the Working Group on Indigenous Populations be authorized to meet for 10 working days prior to the forty-fourth session of the Sub-Commission for the purpose of continuing the substantial progress already made towards the completion of a draft declaration on the rights of indigenous peoples, in consultation with Governments and organizations of indigenous peoples, and to recommend also that the reports of the tenth and future sessions of the Working Group be issued as sales publications and given the widest possible distribution."

B. Relationship of requests to programme of work

5. The activities referred to above fall under major programme VII: Human rights, fundamental freedoms and humanitarian affairs, programme 35: Promotion and protection of human rights, subprogramme 2: Elimination and prevention of discrimination and protection of minorities and vulnerable groups, the objectives of and the strategy for which are described in paragraphs 35.19 to 35.26 of the medium-term plan for the period 1992-1997 (A/45/6).

6. The activity is included in the proposed programme budget for the biennium 1992-1993 under the following subprogramme of section 28 (Human rights):

> Subprogramme 2. Elimination and prevention of discrimination and protection of minorities and vulnerable groups
>
> Activities aimed at the protection of indigenous populations

C. Activities by which the requests would be implemented

7. The resolution is based on the progress made on the text of the draft universal declaration on the rights of indigenous peoples during the ninth session of the Working Group on Indigenous Populations.

8. In order to carry out the requests contained in the resolution, the following activities are envisaged. These activities are based on a basic plan that the Chairman-Rapporteur of the Working Group on Indigenous Populations proposes to follow in carrying out her mandate, in particular in view of the current method of work of the Working Group, based on continued participation of and dialogue between representatives of indigenous peoples, Governments and members of the Working Group. Reference is made, in this

connection, to the recommendations contained in the report of the Working Group on Indigenous Populations on its ninth session. Programme budget implications given in the present document relate to activities (b), (c), (d) and (e) of the plan as presented below:

(a) Copies of the Working Group's report will be transmitted to Governments, indigenous peoples, intergovernmental and non-governmental organizations;

(b) The Chairman-Rapporteur will continue the task of elaborating the paragraphs of the draft declaration, based on the first reading of the text and the discussions during the ninth session of the Working Group. It is envisaged that the Chairman-Rapporteur will travel to Geneva for one week of consultations with the Centre for Human Rights;

(c) The Commission on Human Rights is requested to recommend at its forty-eighth session that the Economic and Social Council authorize the Working Group on Indigenous Populations to meet for five extra working days prior to the forty-fourth session of the Sub-Commission, with full interpretation and documentation facilities in the two working languages of the Working Group, English and Spanish. Facilities in Russian are also requested because of the expected participation of a delegation from the Union of Soviet Socialist Republics;

(d) The Commission on Human Rights is further requested to recommend that the reports of the Working Group on its tenth and future sessions be issued as sales publications and given the widest possible distribution. This would imply a standard run of 10,000 copies in English and Spanish, and slightly fewer in Russian;

(e) The Chairman-Rapporteur will travel to Moscow for the Conference on the Human Dimension for five working days in September/October 1991 in order to draw the participants' attention to the activities of the Working Group, in particular to the recommendation of the Working Group that CSCE consider the issue of recognizing and protecting the rights of indigenous peoples;

(f) In accordance with Sub-Commission resolution 1990/26 and Commission on Human Rights resolution 1991/59, the Secretary-General is requested to organize a regional training course on the United Nations, human rights and indigenous peoples in Latin America, as a matter of the highest priority. The participation of approximately 35 persons is envisaged at this training course, the programme budget implications of which have already been presented.

D. Modifications required in the programme of work

9. No modification is required in the proposed programme of work for 1992-1993, since this activity appears under subprogramme 2.

E. Additional requirements at full cost

10. The estimated cost of the programme of work is itemized as follows:

	1991	1992
	(US dollars)	
One round trip of the Chairman-Rapporteur to Moscow to attend the Conference on the Human Dimension (5 working days)		
Travel and subsistence*	2 800*	
One round trip of the Chairman-Rapporteur to Geneva for consultations (5 working days)		
Travel and subsistence		2 300
Additional daily subsistence allowance for the members of the Working Group for one extra week		
(It has been noted that the travel expenses of the members concerned would be covered under the normal provision for their attendance at the Sub-Commission)		
Subsistence		7 800
Publication of reports of the Working Group as sales items		24 600
	2 800	34 700

* Travel subject to availability of resources.

11. The relevant costs to be financed under section 28 (Human rights) are estimated at $34,700 for 1992. Subject to availability of resources, $2,800 will be financed under section 23 in 1991.

12. The additional conference costs under section 32 (Conference Services Division, Geneva) for both the extra services for the Working Group and the regional training course are calculated at $49,000 for 1992.

Resolution 1991/32. Ownership and control of the cultural property of indigenous peoples

A. Requests contained in the draft resolution

1. By paragraph 2 of the resolution, the Sub-Commission decided to entrust Ms. Erica-Irene Daes with the preparation of a study of measures to be taken by the international community to strengthen respect for the cultural property of indigenous peoples. By paragraph 3, Ms. Daes was authorized to collect information from Governments, specialized agencies, intergovernmental organizations and indigenous organizations and committees. By paragraphs 4 and 5, the Sub-Commission requested the Special Rapporteur to pursue this task in cooperation with the United Nations Educational, Scientific and Cultural Organization (UNESCO), and requested the Secretary-General to give the Special Rapporteur all the assistance she might require to complete these tasks successfully.

B. Relationship of requests to programme of work

2. The activities referred to above fall under major programme VII: Human rights, fundamental freedoms and humanitarian affairs, programme 35: Promotion and protection of human rights, subprogramme 2: Elimination and prevention of discrimination and protection of minorities and vulnerable groups, the objectives of and the strategy for which are described in paragraphs 35.19 to 35.26 of the proposed medium-term plan for the period 1992-1997 (A/45/6).

3. The activity is included in the proposed programme budget for the biennium 1992-1993 under the following subprogramme of section 28 (Human rights):

Subprogramme 2. Elimination and prevention of discrimination and protection of minorities and vulnerable groups

1. Parliamentary services

(a) Parliamentary documentation

Study on the ownership and control of the cultural property of indigenous peoples

C. Activities by which the requests would be implemented

4. The resolution is based on the working paper on the question of ownership and control of the cultural property of indigenous peoples which was prepared by the Special Rapporteur (E/CN.4/Sub.2/1991/34).

5. In order to carry out the requests contained in the draft resolution, the following activities are envisaged. Programme budget implications are foreseen for activity (c) during the period 1992-1993:

(a) The main activity envisaged is the preparation of a study on measures which should be taken by the international community to strengthen respect for the cultural property of indigenous peoples, to be submitted to the Sub-Commission at its forty-fifth session in 1993;

(b) The Special Rapporteur is requested to collect information from Governments, specialized agencies, intergovernmental organizations and indigenous organizations, and to include in her study a comprehensive analysis of the laws and traditions of indigenous peoples with respect to the definition, ownership and control of cultural property;

(c) To pursue this task, the Special Rapporteur is requested to cooperate with UNESCO. In this regard, it is envisaged that the Special Rapporteur will travel to Paris for one week of consultations with UNESCO in 1992 and 1993;

(d) To complete the study, the Special Rapporteur will need the assistance of a consultant, who should be a member of an indigenous group, for a period of three months in 1992.

D. Modifications required in the programme of work

6. No modification is required in the proposed programme of work for 1992-1993, since this activity appears under subprogramme 2.

E. Additional requirements at full cost

7. The estimated cost of the programme of work is itemized as follows:

	1992	1993
	(US dollars)	
One round trip of the Special Rapporteur to UNESCO (Paris) (5 working days)		
Travel and subsistence	2 800	2 900
Consultancy services		
Three work-months	16 500	
	19 300	2 900

8. The relevant costs to be financed under section 28 (Human rights) are estimated at $19,300 for 1992 and $2,900 for 1993.

Resolution 1991/34. Report of the Working Group on Contemporary Forms of Slavery

A. Requests contained in the draft resolution

1. By paragraphs 19, 20, 21 and 22 of the resolution, the Sub-Commission requested the Secretary-General to send a representative of the Centre for Human Rights to participate in a Council of Europe seminar on trafficking in persons and prostitution to be held in Strasbourg from 24 to 27 September 1991 and to report on the results of this seminar to the Working Group at its seventeenth session; to reassign to the Working Group a full-time Professional staff member of the Centre for Human Rights; o designate the Centre for Human Rights as the focal point for the coordination of activities in the United Nations for the suppression of contemporary forms of slavery and to report on the measures taken for that purpose; and to examine the possibility of organizing the sessions of the Working Group on Contemporary Forms of Slavery for eight working days during the months of April or May, in order to avoid overlapping with meetings of other working groups of the Sub-Commission and the burden this places on representatives of Governments and non-governmental organizations and on the Centre for Human Rights.

B. Relationship of requests to programme of work

2. The activities referred to above fall under major programme VII: Human rights, fundamental freedoms and humanitarian affairs, programme 35: Promotion and protection of human rights, subprogramme 2: Elimination and prevention of discrimination and protection of minorities and vulnerable groups, the objectives of and the strategy for which are described in paragraphs 35.19 to 35.26 of the proposed medium-term plan for the period 1992-1997 (A/45/6).

3. The activity is included in the proposed programme budget for the biennium 1992-1993 under the following subprogramme of section 28 (Human rights):

Subprogramme 2. Elimination and prevention of discrimination and protection of minorities and vulnerable groups

2. Published material

Programme of action to combat contemporary forms of slavery

C. Activities by which the requests would be implemented

4. The resolution is based on the progress made by the Working Group on Contemporary Forms of Slavery at its sixteenth session. In this regard, reference is made to paragraphs 117 to 170 of the report of the Working Group (E/CN.4/Sub.2/1991/41).

5. In order to carry out the requests contained in the draft resolution, the following activities are envisaged. They are based on a plan that the

Chairman-Rapporteur of the Working Group on Contemporary Forms of Slavery proposes to follow, which assumes the continued participation of and dialogue between Governments, non-governmental organizations and members of the Working Group:

(a) The Secretary-General is requested to reassign to the Working Group a full-time Professional staff member of the Centre for Human Rights to work on a permanent basis to ensure continuity and close coordination within and outside the Centre for Human Rights on issues relating to contemporary forms of slavery. This would largely serve the purpose of making the Centre the focal point within the United Nations for the suppression of contemporary forms of slavery. In this regard, reference is made to paragraph 5 of Economic and Social Council resolution 1991/35 of 31 May 1991, in which a similar request was made;

(b) The Secretary-General is further requested to examine the possibility of organizing the sessions of the Working Group on Contemporary Forms of Slavery for eight working days during the months of April or May. This would involve services for three more working days and would require additional travel and subsistence costs for the five members of the Working Group;

(c) Finally, the Secretary-General is requested to send a representative of the Centre for Human Rights to a Council of Europe seminar on trafficking in persons and prostitution to be held in Strasbourg from 24 to 27 September 1991 and to report on the results of this seminar to the Working Group at its seventeenth session.

D. Modifications required in the programme of work

6. No modification is required in the proposed programme of work for 1992-1993, since this activity appears under subprogramme 2.

E. Additional requirements at full cost

7. The estimated cost of the above programme of work is itemized as follows:

	1991	1992
	(US dollars)	
Travel and subsistence of a staff member of the Centre for Human Rights to attend a meeting in Strasbourg (September 1991, 4 working days)	1 200	
Travel and subsistence (3 extra working days) for the members of the Working Group on Contemporary Forms of Slavery		20 000
	1 200 *	20 000

* Subject to availability of funds.

8. The relevant costs to be financed under section 28 (Human rights) are estimated at $20,000 for 1992. Subject to the availability of resources, $1,200 are to be financed under section 23 in 1991.

9. Conference servicing costs, to be financed under section 32 (Conference Services Division, Geneva), are estimated at $27,000 for 1992.

Resolution 1991/35. Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

A. Requests contained in the draft resolution

1. By paragraph 5 of the resolution, the Sub-Commission decided to entrust the Special Rapporteur, Mr. L. Joinet, with the preparation of a report to bring to the attention of the Sub-Commission information on practices and measures which have served to strengthen or to weaken the independence of the judiciary. It also requested the Secretary-General to provide the Special Rapporteur with all the assistance necessary for the completion of this task.

B. Relationship of requests to programme of work

2. The activities referred to above fall under major programme VII: Human rights, fundamental freedoms and humanitarian affairs, programme 35: Promotion and protection of human rights, subprogramme 4: Research, studies and standard-setting, the objectives of and the strategy for which are described in paragraphs 35.38 to 35.43 of the medium-term plan for the period 1992-1997 (A/45/6).

3. The activity is included in the proposed programme budget for the biennium 1992-1993 under the following subprogramme of section 28 (Human rights):

Subprogramme 4. Research, studies and standard-setting

2. Published material

(b) Technical publication

Strengthening the independence of the judiciary and the protection of practising lawyers

C. Activities by which the requests would be implemented

4. In order to carry out the requests contained in the draft resolution, the following activities are envisaged. These activities are based on a plan that the Special Rapporteur proposes to follow in carrying out his mandate. This plan represents a tentative outline; the Special Rapporteur may therefore require additional resources in the implementation of his mandate, although every effort will be made to keep within the parameters set out in this document. It should be noted that by its decision 1991/241, the Economic and Social Council approved the appointment of Mr. Joinet to prepare a report on

the independence and impartiality of the judiciary and the request to the Secretary-General that he be given all the assistance necessary for the completion of his task.

(a) The study as described in Mr. Joinet's working paper (E/CN.4/Sub.2/1990/35) will necessitate extensive research, as well as the processing of information obtained from Governments, international organizations and non-governmental organizations, including professional associations of judges and lawyers, in response to the resolution. For this purpose the assistance of a temporary Professional assistant is required for a period of four months as well as that of a General Service staff member for the same period;

(b) Guidelines and criteria for the provision of the advisory services and technical assistance of the United Nations should be set out as recommended in paragraphs 303 to 311 of Mr. Joinet's report (E/CN.4/Sub.2/1991/30);

(c) It is envisaged to hold consultations with United Nations bodies, especially the Crime Prevention and Treatment of Offenders Branch at Vienna, in order to coordinate the activities in the field of administration of justice within the United Nations system in accordance with General Assembly resolution 45/166 of 18 December 1990;

(d) Consultations by the Special Rapporteur at the Centre for Human Rights in Geneva will be required for a period of five working days in 1991 (previously authorized) and in 1992.

D. Modifications required in the programme of work

5. No modification is required in the proposed programme of work for 1992-1993, since this activity appears under subprogramme 4.

E. Additional requirements at full cost

6. The estimated cost of the programme of work is itemized as follows:

	1992 (US dollars)
One round trip of the Special Rapporteur to Vienna in 1992 for consultations with United Nations bodies (5 working days)	
Travel and subsistence	2 900
One round trip to Geneva in 1992 of the Special Rapporteur for consultations at the Centre for Human Rights (5 working days)	
Travel and subsistence	2 300

Temporary assistance

Four work months at the P-3/P-4 level	22 000
Four work months at the General Service level	18 400
	45 600

7. The relevant costs to be financed under section 28 (Human rights) are estimated at $45,600 for 1992.

Resolution 1991/39. The right to freedom of opinion and expression

A. Requests contained in the draft resolution

1. By paragraphs 2 and 3 of the resolution, the Sub-Commission invited the Special Rapporteurs, Mr. L. Joinet and Mr. D. Türk, to continue the work with which they had been entrusted and to submit to the Sub-Commission, at its forty-fourth session, a final report which would include conclusions and recommendations, taking into account all the comments made during the discussion on the updated preliminary report (E/CN.4/Sub.2/1991/9) at its forty-third session, and requested the Secretary-General to provide them with the assistance necessary to fulfil their mandate. The Sub-Commission also recommended that the Commission on Human Rights and the Economic and Social Council endorse the mandate entrusted to the Special Rapporteurs.

B. Relationship of requests to programme of work

2. The activities referred to above fall under major programme VII: Human rights, fundamental freedoms and humanitarian affairs, programme 35: Promotion and protection of human rights, subprogramme 4: Research, studies and standard-setting, the objectives of and the strategy for which are described in paragraphs 35.38 to 35.43 of the proposed medium-term plan for the period 1992-1997 (A/45/6).

3. The activity is included in the proposed programme budget for the biennium 1992-1993 under the following subprogramme of section 28 (Human rights):

Subprogramme 4. Research, studies and standard-setting

2. Published material

(b) Technical publications

Right to freedom of opinion and expression

C. Activities by which the requests would be implemented

4. It is envisaged that the Special Rapporteurs would require consultations at the Centre for Human Rights in 1992 for a period of five working days.

D. Modifications required in the programme of work

5. No modification is required in the proposed programme of work for 1992-1993, since this activity appears under subprogramme 4.

E. Additional requirements at full cost

6. The estimated cost of the above programme of work is itemized as follows:

	1992 (US dollars)
Two round trips of the Special Rapporteurs for consultations at the Centre for Human Rights (5 working days)	
Travel and subsistence	5 800

7. The relevant costs to be financed under section 28 (Human rights) are estimated at $5,800 for 1992.

Decision 1991/109. Progress report on the study on problems and causes of discrimination against HIV-infected people or people with AIDS

A. Requests contained in the draft resolution

1. By decision 1991/109 the Sub-Commission decided to request the Special Rapporteur, Mr. L. Varela Quirós, to submit his final report to the Sub-Commission at its forty-fourth session and requested the Secretary-General to give him any assistance he might require to accomplish his work.

B. Relationship of requests to programme of work

2. The activities referred to above fall under major programme VII: Human rights, fundamental freedoms and humanitarian affairs, programme 35: Promotion and protection of human rights, subprogramme 4: Research, studies and standard-setting, the objectives of and the strategy for which are described in paragraphs 35.38 to 35.43 of the medium-term plan for the period 1992-1997 (A/45/6).

3. The activity is included in the proposed programme budget for the biennium 1992-1993 under the following subprogramme of section 28 (Human rights):

Subprogramme 4. Research, studies and standard-setting

2. Published material

(b) Technical publications

Problems and causes of discrimination against HIV-infected people or people with AIDS

C. Activities by which the requests would be implemented

4. It is envisaged that the Special Rapporteur would travel to Geneva in 1992 and 1993 for a period of five working days each time to hold consultations at the Centre for Human Rights. In addition, the Special Rapporteur has requested the assistance of a consultant, specialized in questions of human rights and health, for a period of three months in 1992.

D. Modifications required in the programme of work

5. No modification is required in the proposed programme of work for 1992-1993, since this activity appears under subprogramme 4.

E. Additional requirements at full cost

6. The estimated cost of the programme of work is itemized as follows:

	1992	1993
	(US dollars)	
Two round trips of the Special Rapporteur to Geneva in 1992 and in 1993 for consultations at the Centre (5 working days each time)		
Travel and subsistence	4 000	4 200
Consultancy services		
Three work-months	16 500	
	20 500	4 200

7. The relevant costs to be financed under section 28 (Human rights) are estimated at $20,500 for 1992 and $4,200 for 1993.

Decision 1991/111. Study on treaties, agreements and other constructive arrangements between States and indigenous populations

A. Requests contained in the draft decision

1. By decision 1991/111, the Sub-Commission requested the Special Rapporteur, Mr. M. Alfonso Martínez, to submit a progress report on his study to the Working Group on Indigenous Populations at its tenth session and to the Sub-Commission at its forty-fourth session. It also requested the Secretary-General to provide the Special Rapporteur with all the necessary assistance to allow him to carry out his work, in particular to provide for a study trip to the Archivo de Indias in Seville.

B. Relationship of requests to programme of work

2. The activities referred to above fall under major programme VII: Human rights, fundamental freedoms and humanitarian affairs, programme 35: Promotion and protection of human rights, subprogramme 2: Elimination and prevention of discrimination and protection of minorities and vulnerable groups, the objectives of and the strategy for which are described in paragraphs 35.19 to 35.26 of the proposed medium-term plan for the period 1992-1997 (A/45/6).

3. The activity is included in the proposed programme budget for the biennium 1992-1993 under the following subprogramme of section 28 (Human rights):

Subprogramme 2. Elimination and prevention of discrimination and protection of minorities and vulnerable groups

2. Published material

Two studies on treaties, agreements and other constructive agreements concluded between States and indigenous peoples

C. Activities by which the requests would be implemented

4. The decision is based on the preliminary report of the Special Rapporteur on treaties, agreements and other constructive arrangements between States and indigenous peoples (E/CN.4/Sub.2/1991/33), in particular, section IV thereof.

5. In order to carry out the requests contained in the draft decision, the following activities are envisaged. These activities are based on a basic plan that the Special Rapporteur proposes to follow in carrying out his mandate. The programme budget implications given in the present document relate to activities (a), (b) and (c) of the plan, presented below:

(a) It is envisaged that the Special Rapporteur will travel for a second time to the Archivo de Indias in Seville, during the first quarter of 1992 for a period of five working days, to gather further basic data for the study

which the Special Rapporteur regards as crucial for the overall understanding of the various issues stemming from his mandate. The Special Rapporteur foresees that in the coming year considerable work will have to be done in order to submit a comprehensive, thorough progress report. This calls for professional assistance and rapid and secure communications between the Centre for Human Rights and the Special Rapporteur;

(b) The Special Rapporteur needs specialized research assistance for six months in 1992 to collect, review and analyse treaties and similar arrangements relating to indigenous populations;

(c) It is also envisaged that the Special Rapporteur will visit the Centre for Human Rights for consultations on two occasions, in the last quarter of 1991 (already foreseen) and in the second quarter of 1992, for a period of five working days each time.

D. Modifications required in the programme of work

6. No modification is required in the proposed programme of work for 1992-1993, since this activity appears under subprogramme 2.

E. Additional requirements at full cost

7. The estimated cost of the programme of work is itemized as follows:

	1992 (US dollars)
One round trip of the Special Rapporteur to Seville (5 working days)	
Travel and subsistence	4 500
One round trip of the Special Rapporteur to Geneva in 1992 for consultations at the Centre for Human Rights (5 working days)	
Travel and subsistence	3 300
Consultancy services	
Six work-months	33 000
	40 800

8. The relevant costs to be financed under section 28 (Human rights) are estimated at $40,800 for 1992.

Decision 1991/112. International Year for the World's Indigenous Peoples

A. Requests contained in the draft decision

1. By the draft decision recommended for endorsement by the Economic and Social Council, the Commission on Human Rights would recommend that the Council: (a) authorize the participation of Ms. C. Mbonu in the most relevant international activities which might be foreseen by the General Assembly in connection with the International Year for the World's Indigenous Peoples so that she would be in a position to evaluate the results of the Year pursuant to Sub-Commission resolution 1990/29 and (b) request the Secretary-General to provide Ms. Mbonu with all the assistance she might require to enable her to submit a report to the Sub-Commission at its forty-sixth session.

B. Relationship of requests to programme of work

2. The activities referred to above fall under major programme VII: Human rights, fundamental freedoms and humanitarian affairs, programme 35: Promotion and protection of human rights, subprogramme 2: Elimination and prevention of discrimination and protection of minorities and vulnerable groups, the objectives of and the strategy for which are described in paragraphs 35.19 to 35.26 of the proposed medium-term plan for the period 1992-1997 (A/45/6).

3. The activity is included in the proposed programme budget for the biennium 1992-1993 under the following subprogramme of section 28 (Human rights):

Subprogramme 2. Elimination and prevention of discrimination and protection of minorities and vulnerable groups

Those aimed at the protection of indigenous populations

C. Activities by which the requests would be implemented

4. It is envisaged that Ms. Mbonu would travel to New York in October 1992 to attend the opening ceremonies for the International Year for the World's Indigenous Peoples for a period of three working days. It is further envisaged that Ms. Mbonu would attend one of the technical meetings which United Nations bodies and specialized agencies are encouraged to organize with the aim of identifying specific projects which could be assisted by the United Nations and executed as far as possible by indigenous peoples themselves. Finally, it is envisaged that Ms. Mbonu would present her report to the Sub-Commission at its forty-sixth session in 1994.

D. Modifications required in the programme of work

5. No modification is required in the proposed programme of work for 1992-1993, since this activity appears under subprogramme 2.

E. Additional requirements at full cost

6. The estimated cost of the programme of work is itemized as follows:

	1992	1994
	(US dollars)	
One round trip of the Special Rapporteur to New York in October 1992 (3 working days)		
Travel and subsistence	2 100	
One round trip of the Special Rapporteur to attend one of the technical meetings to be organized in 1992 (5 working days)		
Travel and subsistence	2 700	
One round trip of the Special Rapporteur to Geneva to present her final report, if no longer a member of the Sub-Commission (5 working days)		
Travel and subsistence	-----	3 000
	4 800	3 000

7. The relevant costs to be financed under section 28 (Human rights) are estimated at $4,800 for 1992; $3,000 for 1994 will be included under section 28 at the time of preparation of the proposed programme budget for the biennium 1994-1995.

Decision 1991/117. Working Group on the Methods of Work of the Sub-Commission

A. Requests contained in the draft decision

1. By decision 1991/17, the following decision was recommended to the Commission on Human Rights for adoption:

> "The Commission on Human Rights, noting decision 1991/17 of 30 August 1991 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and recalling its resolution 1991/56 of 6 March 1991, decides on an exceptional basis to recommend to the Economic and Social Council that the Working Group on the methods of work of the Sub-Commission be authorized to meet for five working days prior to the forty-fourth session of the Sub-Commission, in order to allow for a thorough review of the methods of the Sub-Commission."

B. Relationship of requests to programme of work

2. The activities referred to above fall under major programme VII: Human rights, fundamental freedoms and humanitarian affairs, programme 35: Promotion and protection of human rights, subprogramme 2: Elimination and prevention of discrimination and protection of minorities and vulnerable groups, the objectives of and the strategy for which are described in paragraphs 35.19 to 35.26 of the proposed medium-term plan for the period 1992-1997 (A/45/6).

3. The activity is included in the proposed programme budget for the biennium 1992-1993 under the following subprogramme of section 28 (Human rights):

Subprogramme 2 - Elimination and prevention of discrimination and protection of minorities and vulnerable groups

Assistance to a number of bodies or working groups engaged in the elaboration of draft declarations or in the examination of particular issues

C. Activities by which the requests would be implemented

4. It is envisaged that the Working Group would meet on an intersessional basis for a period of five working days in 1992.

D. Modifications required in the programme of work

5. No modification is required in the proposed programme of work for 1992-1993, since this activity appears under subprogramme 2.

E. Additional requirements at full cost

6. The estimated cost of the above programme of work is itemized as follows:

	1992 (US dollars)
Six round trips of the members of the Working Group (5 working days)	
Travel and subsistence	16 300

7. The relevant costs to be financed under section 28 (Human rights) are estimated at $16,300 for 1992.

8. The additional conference costs under section 32 (Conference Services Division, Geneva) are estimated at $42,700 for 1992.

Annex IV

LIST OF STUDIES AND REPORTS UNDER PREPARATION BY MEMBERS OF THE SUB-COMMISSION IN ACCORDANCE WITH EXISTING LEGISLATIVE AUTHORITY a/

	Item	Title	Entrusted to	Legislative authority	To be submitted at
1.	4	Plan of action for the elimination of harmful traditional practices affecting the health of women and children and report on the regional seminar to take place in Asia	Ms. Halima Warzazi	Economic and Social Council decision 1990/246 Sub-Commission resolution 1991/23	The forty-fifth session of the Sub-Commission
2.	4	Second progress report on the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms	Mr. Theo van Boven	Sub-Commission resolution 1991/25	The forty-fourth session of the Sub-Commission
3.	4	Updated report on the right to freedom of opinion and expression	Mr. Louis Joinet and Mr. Danilo Turk	Sub-Commission resolution 1991/39	The forty-fourth session of the Sub-Commission
4.		Final report on problems and causes of discrimination against HIV-infected people or people with AIDS	Mr. Luis Varela Quirós	Sub-Commission decision 1991/109	The forty-fourth session of the Sub-Commission
5.	5 (b)	Annual updated list of banks, transnational corporations and other organizations assisting the racist regime of South Africa	Mr. Ahmed Khalifa	General Assembly resolution 45/84, Economic and Social Council resolution 1991/26, Sub-Commission resolution 1991/1 and draft resolution I*	The forty-fourth session of the Sub-Commission, the forty-eighth session of the Commission and the forty-sixth session of the General Assembly
6.	8	Final report on the realization of economic, social and cultural rights	Mr. Danilo Türk	Commission on human rights resolution 1991/18 and Sub-Commission resolution 1991/27	The forty-fourth session of the Sub-Commission
7.	10	Report on the right to a fair trial	Mr. Stanislav Chernichenko and Mr. William Treat	Sub-Commission resolution 1991/14	The forty-fourth session of the Sub-Commission and tenth session of the Working Group on Detention
8.	10	Annual updated report and list of countries which proclaim, extend or terminate a state of emergency	Mr. Leandro Despouy	Sub-Commission resolution 1991/18	The forty-fourth session of the Sub-Commission

Annex IV (continued)

LIST OF STUDIES AND REPORTS UNDER PREPARATION BY MEMBERS OF THE SUB-COMMISSION IN ACCORDANCE WITH EXISTING LEGISLATIVE AUTHORITY a/

	Item	Title	Entrusted to	Legislative authority	To be submitted at
9.	10	Final report on violations of human rights of staff members of the United Nations system	Ms. Mary Concepción Bautista	Sub-Commission resolution 1991/17	The forty-fourth session of the Sub-Commission
10.	10	Updated report on the application of international standards concerning the human rights of detained juveniles	Ms. Mary Concepción Bautista	Sub-Commission resolution 1991/16	The forty-fourth session of the Sub-Commission
13.	15	Preliminary report on treaties, agreements, and other constructive agreements between States and indigenous peoples	Mr. Miguel Alfonso Martínez	Sub-Commission decision 1991/111	The forty-fourth session of the Sub-Commission
15.	17	Progress report on human rights and youth	Mr. Dumitru Mazilu	Sub-Commission resolution 1991/20 and draft resolution V*	The forty-fourth session of the Sub-Commission
16.	18	Updated report on possible ways and means of facilitating the peaceful solution of problems involving minorities	Mr. Asbjørn Eide	Sub-Commission resolution 1991/22	The forty-fourth session of the Sub-Commission
18.	4	Progress report on human rights and the environment	Ms. Fatma Zohra Ksentini	Sub-Commission resolution 1991/24	The forty-fourth session of the Sub-Commission
19.	11	Report on practices and measures which have served to strengthen or to weaken the independence of the judiciary and the legal profession	Mr. Louis Joinet	Sub-Commission resolution 1991/35 and draft decision VII*	The forty-fourth session of the Sub-Commission
20.	15	Study on measures to strengthen respect for the cultural property of indigenous peoples	Ms. Erica-Irene Daes	Sub-Commission resolution 1991/32	The forty-fifth session of the Sub-Commission
21.	15	Further elaboration of paragraphs of the draft declaration on indigenous rights	Ms. Erica-Irene Daes	Sub-Commission resolution 1991/30	The tenth session of the Working Group on Indigenous Populations
22.	10	Working paper on the question of the impunity of perpetrators of violations of human rights	Mr. El Hadji Guissé and Mr. Louis Joinet	Sub-Commission decision 1991/110	The forty-fourth session of the Sub-Commission
23.	8	Working paper on the right to adequate housing	Mr. Rajindar Sachar	Sub-Commission resolution 1991/26	The forty-fourth session of the Sub-Commission

* Subject to approval by the Economic and Social Council

a/ This list has been prepared in accordance with Commission on Human Rights resolution 1982/23.

Annex V

LIST OF DOCUMENTS ISSUED FOR THE FORTY-THIRD SESSION OF THE SUB-COMMISSION

Documents issued in the general series

Symbol	Agenda item	
E/CN.4/Sub.2/1991/1	2	Provisional agenda: note by the Secretary-General
E/CN.4/Sub.2/1991/1/Add.1, Add.1/Corr.1, Add.2 and Add.3	2	Annotations to the provisional agenda prepared by the Secretary-General
E/CN.4/Sub.2/1991/2	4	Note by the Secretary-General
E/CN.4/Sub.2/1991/3		[Symbol not used]
E/CN.4/Sub.2/1991/4		[Symbol not used]
E/CN.4/Sub.2/1991/5	4	Human rights in time of armed conflicts: analytical review of information received from Governments on the scope of education provided to members of the police and the armed forces prepared by the Secretary-General
E/CN.4/Sub.2/1991/6	4	Final report by the Special Rapporteur, Ms. Halima Embarek Warzazi
E/CN.4/Sub.2/1991/7	4	Study concerning the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms: progress report submitted by Mr. Theo van Boven, Special Rapporteur
E/CN.4/Sub.2/1991/8	4	Preliminary report prepared by Ms. Fatma Zohra Ksentini, Special Rapporteur, pursuant to Sub-Commission resolutions 1990/7 and 1990/27

Documents issued in the general series (continued)

Symbol	Agenda item	
E/CN.4/Sub.2/1991/9	4	The right to freedom of opinion and expression: current problems of its realization and measures necessary for its strengthening and promotion. Update of the preliminary report prepared by Mr. Danilo Türk and Mr. Louis Joinet, Special Rapporteurs, in accordance with Sub-Commission decision 1990/117
E/CN.4/Sub.2/1991/10	4	Discrimination against HIV-infected people or people with AIDS: progress report by Mr. Luis Varela Quirós, Special Rapporteur
E/CN.4/Sub.2/1991/11	5 (a)	Outline of ways and means necessary to increase the effectiveness of United Nations action to combat racism and racial discrimination: note by the Secretary-General
E/CN.4/Sub.2/1991/12	5 (a)	Overview of current trends of racism, discrimination, intolerance and xenophobia against vulnerable groups in the world: note by the Secretary-General
E/CN.4/Sub.2/1991/13 and Add.1	5 (b)	Updated report prepared by Mr. Ahmad M. Khalifa, Special Rapporteur
E/CN.4/Sub.2/1991/14	6	Note by the Secretary-General
E/CN.4/Sub.2/1991/15	6	Note by the Secretary-General
E/CN.4/Sub.2/1991/16	3	Report of an open-ended working group established pursuant to Sub-Commission decision 1989/104
E/CN.4/Sub.2/1991/17	8	Realization of economic, social and cultural rights: second progress report prepared by Mr. Danilo Türk, Special Rapporteur

Documents issued in the general series (continued)

Symbol	Agenda item	
E/CN.4/Sub.2/1991/18	8	Method and plan of work for the study on human rights and extreme poverty: report submitted by Mr. Eduardo Suescún Monroy, expert appointed pursuant to Sub-Commission decision 1990/119
E/CN.4/Sub.2/1991/19 and Add.1	10 (a)	Information submitted by Governments pursuant to Sub-Commission resolution 7 (XXVII) of 20 August 1974: report of the Secretary-General
E/CN.4/Sub.2/1991/20	10 (a)	Report of the Secretary-General containing information submitted by United Nations bodies, specialized agencies and intergovernmental organizations pursuant to Sub-Commission resolution 7 (XXVII) of 20 August 1974
E/CN.4/Sub.2/1991/21	10 (a)	Synopsis of material received from non-governmental organizations in consultative status with ECOSOC: note by the Secretary-General
E/CN.4/Sub.2/1991/22	10 (a)	Succinct information on development in the human rights programme and on the activities within the United Nations programme on crime prevention and control as they relate to the question of human rights of persons subjected to any form of detention or imprisonment: report of the Secretary-General
E/CN.4/Sub.2/1991/23	10 (a)	Protection of the human rights of United Nations staff members, experts and their families: note by the Special Rapporteur, Ms. Mary Concepción Bautista

Documents issued in the general series (continued)

Symbol	Agenda item	
E/CN.4/Sub.2/1991/24	10 (a)	Application of international standards concerning the human rights of detained juveniles: report prepared by the Special Rapporteur, Ms. Mary Concepción Bautista, pursuant to Sub-Commission resolution 1990/21
E/CN.4/Sub.2/1991/25	10 (a)	Note by the Secretary-General
E/CN.4/Sub.2/1991/26	10	Consolidated list of the Secretary-General of provisions in the various United Nations standards relating to human rights in the administration of justice
E/CN.4/Sub.2/1991/27	10 (a)	Report of the Working Group on Detention
E/CN.4/Sub.2/1991/28	10 (b)	Fourth annual report and list of States which, since 1 January 1985, have proclaimed, extended or terminated a state of emergency, presented by Mr. Leandro Despouy, Special Rapporteur appointed pursuant to Economic and Social Council resolution 1985/37
E/CN.4/Sub.2/1991/29	10 (d)	The right to a fair trial: current recognition and measures necessary for its strengthening. Second report prepared by Mr. Stanislav Chernichenko and Mr. William Treat in accordance with resolution 1990/18 of the Sub-Commission and resolution 1991/43 of the Commission on Human Rights

Documents issued in the general series (continued)

Symbol	Agenda item	
E/CN.4/Sub.2/1991/30 and Add.1 to 4	11	Report on the independence of the judiciary and the protection of practising lawyers, prepared by Mr. Louis Joinet, pursuant to resolution 1990/23 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities
E/CN.4/Sub.2/1991/31	12	Final report prepared by Mr. Leandro Despouy, Special Rapporteur
E/CN.4/Sub.2/1991/32 and Corr.1	14	Interrelationship between human rights and peace: working paper prepared by Mr. Murlidhar Bhandare pursuant to Sub-Commission resolution 1989/47 of 1 September 1989
E/CN.4/Sub.2/1991/33	15	Study on treaties, agreements and other constructive arrangements between States and indigenous populations: preliminary report submitted by Mr. Miguel Alfonso Martínez, Special Rapporteur
E/CN.4/Sub.2/1991/34	15	Working paper on the question of the ownership and control of the cultural property of indigenous peoples prepared by Ms. Erica-Irene Daes
E/CN.4/Sub.2/1991/35	15	Future sessions of the Working Group on Indigenous Populations: note by the Secretary-General
E/CN.4/Sub.2/1991/36	15	Draft declaration on the rights of indigenous peoples: revised working paper submitted by the Chairperson-Rapporteur, Ms. Erica-Irene Daes, pursuant to Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1990/26

Documents issued in the general series (continued)

Symbol	Agenda item	
E/CN.4/Sub.2/1991/37	15	Report of the Secretary-General
E/CN.4/Sub.2/1991/38 and Add.1 and 2	8	Human rights and extreme and poverty: report of the Secretary-General
E/CN.4/Sub.2/1991/39	15	Further suggestions for United Nations activities in the International Year for the World's Indigenous People: second working paper submitted by Mr. Asbjørn Eide and Ms. Christy Mbonu
E/CN.4/Sub.2/1991/40/Rev.1	15	Report of the Working Group on Indigenous Populations on its ninth session
E/CN.4/Sub.2/1991/41 and Corr.1	16	Report of the Working Group on Contemporary Forms of Slavery on its sixteenth session
E/CN.4/Sub.2/1991/42	17 (a)	Progress report on human rights and youth submitted by Mr. Dimitru Mazilu, Special Rapporteur
E/CN.4/Sub.2/1991/43	18	Possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities: preliminary report submitted by Mr. Asbjørn Eide
E/CN.4/Sub.2/1991/44		[Symbol not used]
E/CN.4/Sub.2/1991/45	19	Report of the Working Group on a draft declaration on freedom and non-discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country

Documents issued in the general series (continued)

Symbol	Agenda item	
E/CN.4/Sub.2/1991/46	6	Note verbale dated 6 May 1991 from the Permanent Mission of the Republic of Albania to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights
E/CN.4/Sub.2/1991/47	8	Note by the Secretariat
E/CN.4/Sub.2/1991/48	4	Report of the United Nations Seminar on Traditonal Practices Affecting the Health of Women and Children (Ouagadougou, 29 April - 3 May 1991)
E/CN.4/Sub.2/1991/49	15	Transnational investments and operations on the lands of indigenous peoples: report of the United Nations Centre on Transnational Corporations pursuant to Sub-Commission resolution 1990/26
E/CN.4/Sub.2/1991/50	10 (a)	Application of international standards concerning the human rights of detained juveniles: note by the Special Rapporteur
E/CN.4/Sub.2/1991/51	6	Note verbale dated 3 July 1991 from the Permanent Mission of the Republic of Iraq to the United Nations Office at Geneva to the Centre for Human Rights
E/CN.4/Sub.2/1991/52	16	Exploitation of child labour: written statement submitted by the United Nations Children's Fund
E/CN.4/Sub.2/1991/53	10	Letter dated 8 August 1991 from the Permanent Representative of Turkey to the United Nations Office at Geneva addressed to the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

Documents issued in the general series (continued)

Symbol	Agenda item	
E/CN.4/Sub.2/1991/54	8	Idem
E/CN.4/Sub.2/1991/55	4	Declaration of minimum humanitarian standards: working paper submitted by Mr. Theo van Boven and Mr. Asbjørn Eide
E/CN.4/Sub.2/1991/56	10	Study of the issue of the privatization of prisons: working paper submitted by Mr. Miguel Alfonso Martínez
E/CN.4/Sub.2/1991/57	5 (b)	Working paper submitted by Ms. Judith Sefi Attah
E/CN.4/Sub.2/1991/58	6	Note verbale dated 14 August 1991 from the Permanent Mission of Kuwait to the United Nations Office at Geneva addressed to the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities
E/CN.4/Sub.2/1991/59	7 & 8	Letter dated 16 August 1991 from the Permanent Representative of the Republic of Iraq to the United Nations Office at Geneva addressed to the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities
E/CN.4/Sub.2/1991/60	10	Note verbale dated 19 August 1991 from the Permanent Mission of the Kingdom of Morocco to the United Nations Office at Geneva addressed to the Centre for Human Rights

Documents issued in the general series (continued)

Symbol	Agenda item	
E/CN.4/Sub.2/1991/61	19	Letter dated 29 August 1991 from the Director of International Protection of the Office of the United Nations High Commissioner for Refugees to the Chairman of the forty-third session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities
E/CN.4/Sub.2/1991/62	6	Letter dated 27 August 1991 from the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva addressed to the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities
E/CN.4/Sub.2/1991/63	8	Written statement submitted by the International Monetary Fund: statement of the representative of the IMF to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-third session
E/CN.4/Sub.2/1991/64	6	Letter dated 29 August 1991 from the Ambassador of the Government of Papua New Guinea to Belgium and the European Community addressed to the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

Documents issued in the limited series

Symbol	Agenda item	
E/CN.4/Sub.2/1991/L.1	20	Note by the Secretary-General: draft provisional agenda for the forty-fourth session of the Sub-Commission
E/CN.4/Sub.2/1991/L.2	4	Mr. Eide, Ms. Palley, Mr. Rivas Posada, Mr. Treat and Ms. Warzazi: draft resolution
E/CN.4/Sub.2/1991/L.3	5 (b)	Mr. Alfonso Martínez, Ms. Attah, Ms. Bautista, Mr. van Boven, Mr. Chernichenko, Ms. Daes, Mr. Despouy, Mr. Eide, Mr. Guissé, Mr. Hatano, Mr. Heller, Mr. Ilkahanaf, Ms. Ksentini, Mr. Maxim, Mr. Merrills, Mr. Rivas Posada, Mr. Saboia, Mr. Sachar, Mr. Tian Jin, Ms. Warzazi and Mr. Yimer: draft resolution
E/CN.4/Sub.2/1991/L.4	13	Mr. Alfonso Martínez, Ms. Bautista, Mr. van Boven, Mr. Chernichenko, Ms. Daes, Mr. Despouy, Mr. Eide, Mr. Hatano, Mr. Heller, Mr. Ilkahanaf, Mr. Khalifa, Mr. Maxim, Mr. Merrills, Ms. Mbonu, Mr. Rivas Posada, Mr. Saboia, Mr. Sachar, Mr. Treat, Ms. Warzazi and Mr. Yimer: draft resolution
E/CN.4/Sub.2/1991/L.5	6	Mr. Alfonso Martínez, Ms. Attah, Ms. Bautista, Mr. van Boven, Mr. Chernichenko, Mr. Eide, Mr. Guissé, Mr. Hatano, Mr. Heller, Mr. Hitters, Mr. Ilkahanaf, Mr. Khalifa, Ms. Ksentini, Mr. Saboia, Mr. Sachar, Mr. Tian Jin, Ms. Warzazi and Mr. Yimer: draft resolution

Documents issued in the limited series (continued)

Symbol	Agenda item	
E/CN.4/Sub.2/1991/L.6	10 (d)	Mr. van Boven, Mr. Eide, Mr. Hatano, Mr. Heller, Mr. Rivas Posada, Mr. Suescún Monroy, Mr. Saboia, Mr. Treat, Mr. Türk, Ms. Warzazi and Mr. Yimer: draft resolution
E/CN.4/Sub.2/1991/L.7	5 (a)	Mr. Guissé, Mr. Ilkahanaf, Mr. Khalifa, Ms. Ksentini, Ms. Warzazi and Mr. Yimer: draft resolution
E/CN.4/Sub.2/1991/L.7/Rev.1	5 (a)	Ms. Bautista, Mr. Chernichenko, Ms. Daes, Mr. Eide, Mr. Flinterman, Mr. Guissé, Mr. Heller, Mr. Ilkahanaf, Mr. Khalil, Ms. Ksentini, Mr. Maxim, Ms. Mbonu, Mr. Merrills, Mr. Saboia, Mr. Tian Jin, Mr. Treat, Mr. Türk, Ms. Warzazi and Mr. Yimer: draft resolution
E/CN.4/Sub.2/1991/L.8	5 (b)	Administrative and programme budget implications of the draft resolution contained in document E/CN.4/Sub.2/1991/L.3: statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council
E/CN.4/Sub.2/1991/L.9	18	Mr. Al-Khasawneh, Ms. Bautista, Ms. Daes, Mr. Despouy, Mr. Heller, Mr. Khalil, Ms. Ksentini, Mr. Maxim, Mr. Rivas Posada, Mr. Saboia, Mr. Türk, Ms. Warzazi and Mr. Yimer: draft resolution
E/CN.4/Sub.2/1991/L.10 (and Add.1-17)	21	Draft report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-third session

Documents issued in the limited series (continued)

Symbol	Agenda item	
E/CN.4/Sub.2/1991/L.11 (and Add.1-6)	21	Draft report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-third session
E/CN.4/Sub.2/1991/L.12	10	Mr. Despouy, Mr. Hatano, Mr. Ilkahanaf, Mr. Treat and Mr. Türk: draft resolution
E/CN.4/Sub.2/1991/L.13	6	Mr. Alfonso Martínez, Mr. van Boven, Ms. Daes, Mr. Despouy, Mr. Eide, Mr. Guissé, Mr. Heller, Mr. Ilkahanaf, Mr. Rivas Posada, Mr. Saboia and Ms. Warzazi: draft resolution
E/CN.4/Sub.2/1991/L.14	6	Mr. Alfonso Martínez, Mr. Chernichenko, Mr. Ilkahanaf, Ms. Ksentini, Mr. Sachar, Mr. Suescún Monroy, Mr. Tian Jin and Ms. Warzazi: draft resolution
E/CN.4/Sub.2/1991/L.15	6	Mr. Alfonso Martínez, Ms. Bautista, Mr. van Boven, Mr. Chernichenko, Ms. Daes, Mr. Despouy, Mr. Eide, Mr. Hatano, Mr. Ilkahanaf, Mr. Rivas Posada, Mr. Sachar, Mr. Türk and Mr. Yimer: draft resolution
E/CN.4/Sub.2/1991/L.16	6	Mr. Alfonso Martínez, Mr. Al-Khasawneh, Mr. van Boven, Mr. Rivas Posada, Mr. Türk and Mr. Yimer: draft resolution
E/CN.4/Sub.2/1991/L.17	6	Ms. Bautista, Mr. van Boven, Mr. Despouy, Mr. Eide, Mr. Maxim, Mr. Merrills, Mr. Rivas Posada and Mr. Treat: draft resolution
E/CN.4/Sub.2/1991/L.18	6	Ms. Bautista, Mr. van Boven, Mr. Eide and Mr. Treat: draft resolution

Documents issued in the limited series (continued)

Symbol	Agenda item	
E/CN.4/Sub.2/1991/L.19	6	Ms. Bautista and Mr. van Boven: draft resolution
E/CN.4/Sub.2/1991/L.20	6	Mr. Maxim, Mr. Merrills and Mr. Rivas Posada: draft resolution
E/CN.4/Sub.2/1991/L.21	6	Mr. Merrills and Mr. Treat: draft resolution
E/CN.4/Sub.2/1991/L.22	6	Mr. Despouy, Mr. Heller, Mr. Rivas Posada and Mr. Saboia: draft resolution
E/CN.4/Sub.2/1991/L.23	7	Mr. Alfonso Martínez, Ms. Bautista, Mr. van Boven, Mr. Chernichenko, Mr. Despouy, Mr. Eide, Mr. Khalil, Mr. Rivas Posada, Mr. Treat, Mr. Türk and Mr. Yimer: draft resolution
E/CN.4/Sub.2/1991/L.24	10 (d)	Administrative and programme budget implications of the draft resolution contained in document E/CN.4/Sub.2/1991/L.6: statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council
E/CN.4/Sub.2/1991/L.25	4	Mr. Alfonso Martínez, Mr. Al-Khasawneh, Ms. Attah, Ms. Bautista, Mr. van Boven, Ms. Daes, Mr. Despouy, Mr. Eide, Mr. Guissé, Mr. Hatano, Mr. Heller, Mr. Ilkahanaf, Mr. Khalil, Ms. Ksentini, Mr. Maxim, Mr. Rivas Posada, Mr. Saboia, Mr. Sachar, Mr. Tian Jin, Mr. Treat, Mr. Türk and Mr. Yimer: draft resolution

Documents issued in the limited series (continued)

Symbol	Agenda item	
E/CN.4/Sub.2/1991/L.26	8	Mr. Alfonso Martínez, Ms. Attah, Ms. Bautista, Ms. Daes, Mr. Eide, Mr. Ilkahanaf, Ms. Ksentini, Mr. Rivas Posada, Mr. Saboia, Mr. Sachar, Mr. Tian Jin, Mr. Türk Ms. Warzazi and Mr. Yimer: draft resolution
E/CN.4/Sub.2/1991/L.27	10 (a)	Mr. Despouy, Mr. Hatano, Mr. Treat and Mr. Türk: draft decision
E/CN.4/Sub.2/1991/L.28	4	Mr. Alfonso Martínez, Mr. Al-Khasawneh, Ms. Attah, Ms. Bautista, Mr. van Boven, Mr. Chernichenko, Ms. Daes, Mr. Despouy, Mr. Hatano, Mr. Heller, Mr. Khalil, Mr. Maxim, Mr. Saboia, Mr. Sachar, Mr. Zhan Daode, Mr. Treat and Ms. Warzazi: draft resolution
E/CN.4/Sub.2/1991/L.29	10	Ms. Attah, Mr. van Boven, Ms. Daes and Ms. Warzazi: draft resolution
E/CN.4/Sub.2/1991/L.30	10	Mr. Al-Khasawneh, Ms. Attah, Mr. van Boven, Mr. Chernichenko, Ms. Daes, Mr. Eide, Mr. Hatano, Mr. Heller, Mr. Khalil, Ms. Ksentini, Mr. Maxim, Mr. Merrills, Mr. Saboia, Mr. Treat, Mr. Türk and Ms. Warzazi: draft resolution
E/CN.4/Sub.2/1991/L.31	11	Ms. Attah, Ms. Bautista, Mr. van Boven, Mr. Chernichenko, Ms. Daes, Mr. Despouy, Mr. Eide, Mr. Hatano, Mr. Heller, Mr. Khalil, Mr. Maxim, Mr. Rivas Posada, Mr. Saboia, Mr. Sachar, Mr. Treat and Mr. Yimer: draft resolution

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E/CN.4/Sub.2/1991/L.32	10 (b)	Mr. Alfonso Martínez, Mr. Al-Khasawneh, Ms. Attah, Ms. Bautista, Mr. van Boven, Mr. Chernichenko, Ms. Daes, Mr. Despouy, Mr. Eide, Mr. Hatano, Mr. Ilkahanaf, Mr. Khalil, Mr. Maxim, Mr. Merrills, Mr. Saboia, Mr. Treat, Mr. Türk and Mr. Yimer: draft resolution
E/CN.4/Sub.2/1991/L.33	4	Mr. Al-Khasawneh, Ms. Attah, Ms. Bautista, Ms. Daes, Mr. Eide, Mr. Flinterman, Mr. Hatano, Mr. Ilkahanaf, Mr. Khalil, Mr. Maxim, Mr. Rivas Posada and Mr. Yimer: draft resolution
E/CN.4/Sub.2/1991/L.34	8	Mr. Alfonso Martínez, Mr. Al-Khasawneh, Ms. Attah, Ms. Bautista, Mr. van Boven, Mr. Chernichenko, Mr. Eide, Mr. Ilkahanaf, Mr. Maxim, Mr. Rivas Posada, Mr. Türk, Ms. Warzazi and Mr. Yimer: draft resolution
E/CN.4/Sub.2/1991/L.35	17 (a)	Mr. Al-Khasawneh, Mr. van Boven, Ms. Daes, Mr. Despouy, Mr. Eide, Mr. Ilkahanaf and Mr. Maxim: draft resolution
E/CN.4/Sub.2/1991/L.36	12	Mr. Al-Khasawneh, Ms. Attah, Ms. Bautista, Ms. Daes, Mr. Eide, Mr. Flinterman, Mr. Hatano, Mr. Heller, Mr. Ilkahanaf, Mr. Khalil, Mr. Maxim, Mr. Merrills, Mr. Rivas Posada, Mr. Tian Jin, Mr. Treat, Mr. Türk and Ms. Warzazi: draft resolution

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E/CN.4/Sub.2/1991/L.37	4	Mr. Alfonso Martínez, Mr. van Boven, Mr. Chernichenko, Mr. Despouy, Mr. Eide, Mr. Guissé, Mr. Heller, Mr. Khalil, Mr. Maxim, Mr. Treat, Ms. Warzazi, Mr. Yimer and Mr. Yokota: draft resolution
E/CN.4/Sub.2/1991/L.38	8	Ms. Bautista, Mr. van Boven, Ms. Daes, Mr. Despouy, Mr. Eide and Mr. Türk: draft resolution
E/CN.4/Sub.2/1991/L.39	18	Ms. Bautista, Mr. van Boven, Mr. Chernichenko, Ms. Daes, Mr. Heller, Mr. Khalil, Mr. Maxim, Mr. Saboia, Mr. Treat, Mr. Yimer and Mr. Yokota: draft resolution
E/CN.4/Sub.2/1991/L.40	16	Ms. Ksentini: draft resolution
E/CN.4/Sub.2/1991/L.41	16	Ms. Ksentini: draft resolution
E/CN.4/Sub.2/1991/L.42	16	Ms. Ksentini: draft resolution
E/CN.4/Sub.2/1991/L.43	4	Mr. Al-Khasawneh, Mr. van Boven, Mr. Guissé, Mr. Khalil and Mr. Türk: draft resolution
E/CN.4/Sub.2/1991/L.44	15	Mr. Alfonso Martínez, Ms. Attah, Ms. Bautista, Ms. Daes, Mr. Hatano and Mr. Türk: draft resolution
E/CN.4/Sub.2/1991/L.45	15	Mr. Alfonso Martínez, Ms. Attah, Ms. Daes, Mr. Hatano and Mr. Türk: draft resolution
E/CN.4/Sub.2/1991/L.46	15	Mr. Alfonso Martínez, Ms. Attah, Ms. Bautista, Ms. Daes, Mr. Hatano and Mr. Türk: draft resolution
E/CN.4/Sub.2/1991/L.47	15	Mr. Alfonso Martínez, Ms. Attah, Ms. Bautista, Mr. Hatano and Mr. Türk: draft resolution

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Symbol	Agenda item	
E/CN.4/Sub.2/1991/L.48	15	Mr. Alfonso Martínez, Ms. Attah, Ms. Bautista, Mr. Hatano and Mr. Türk: draft resolution
E/CN.4/Sub.2/1991/L.49	16	Ms. Attah, Ms. Daes, Mr. Despouy, Mr. Eide, Mr. Hatano, Mr. Heller, Mr. Maxim, Mr. Merrills, Mr. Rivas Posada, Mr. Saboia and Mr. Treat: draft resolution
E/CN.4/Sub.2/1991/L.50	8	Mr. Al-Khasawneh, Ms. Attah, Mr. van Boven, Ms. Daes, Mr. Eide, Mr. Guissé, Mr. Hatano, Mr. Ilkahanaf, Mr. Khalil, Mr. Maxim, Mr. Rivas Posada, Mr. Saboia, Mr. Sachar, Mr. Treat, Mr. Türk and Mr. Yimer: draft resolution
E/CN.4/Sub.2/1991/L.51	15	Mr. Alfonso Martínez, Ms. Attah, Ms. Daes, Mr. Hatano and Mr. Türk: draft decision
E/CN.4/Sub.2/1991/L.52	4	Mr. Alfonso Martínez, Mr. Al-Khasawneh, Ms. Bautista, Mr. Chernichenko, Mr. Despouy, Mr. Eide, Mr. Guissé, Mr. Hatano, Mr. Heller, Mr. Ilkahanaf, Mr. Khalil, Ms. Ksentini, Mr. Maxim, Mr. Rivas Posada, Mr. Saboia, Mr. Sachar, Ms. Warzazi and Mr. Yimer: draft decision
E/CN.4/Sub.2/1991/L.53	8	Ms. Attah, Mr. Despouy, Mr. Eide, Ms. Ksentini, Mr. Maxim, Mr. Rivas Posada and Mr. Saboia: draft resolution

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Symbol	Agenda item	
E/CN.4/Sub.2/1991/L.54	4	Administrative and programme budget implications of the draft resolution contained in document E/CN.4/Sub.2/1991/L.25: statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council
E/CN.4/Sub.2/1991/L.55	17	Administrative and programme budget implications of the draft resolution contained in document E/CN.4/Sub.2/1991/L.35: statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council
E/CN.4/Sub.2/1991/L.56	10 (b)	Administrative and programme budget implications of the draft resolution contained in document E/CN.4/Sub.2/1991/L.32: statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council
E/CN.4/Sub.2/1991/L.57	4	Administrative and programme budget implications of the draft resolution contained in document E/CN.4/Sub.2/1991/L.28: statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council

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E/CN.4/Sub.2/1991/L.58	8	Administrative and programme budget implications of the draft resolution contained in document E/CN.4/Sub.2/1991/L.26: statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council
E/CN.4/Sub.2/1991/L.59	15	Administrative and programme budget implications of the draft resolution contained in document E/CN.4/Sub.2/1991/L.36: statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council
E/CN.4/Sub.2/1991/L.60	18	Administrative and programme budget implications of the draft resolution contained in document E/CN.4/Sub.2/1991/L.39: statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council
E/CN.4/Sub.2/1991/L.61	4	Administrative and programme budget implications of the draft resolution contained in document E/CN.4/Sub.2/1991/L.33: statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council

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E/CN.4/Sub.2/1991/L.62	8	Administrative and programme budget implications of the draft resolution contained in document E/CN.4/Sub.2/1991/L.34: statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council
E/CN.4/Sub.2/1991/L.63	16	Administrative and programme budget implications of the draft resolution contained in document E/CN.4/Sub.2/1991/L.40: statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council
E/CN.4/Sub.2/1991/L.64	4	Mr. van Boven: draft decision
E/CN.4/Sub.2/1991/L.65	19	Mr. Alfonso Martínez, Mr. Al-Khasawneh, Ms. Attah, Mr. Eide and Mr. Maxim: draft decision
E/CN.4/Sub.2/1991/L.66	11	Administrative and programme budget implications of the draft resolution contained in document E/CN.4/Sub.2/1991/L.31: statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council

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Symbol	Agenda item	
E/CN.4/Sub.2/1991/L.67	15	Administrative and programme budget implications of the draft resolution contained in document E/CN.4/Sub.2/1991/L.44: statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council
E/CN.4/Sub.2/1991/L.68	15	Administrative and programme budget implications of the draft decision contained in document E/CN.4/Sub.2/1991/L.45: statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council
E/CN.4/Sub.2/1991/L.69	15	Administrative and programme budget implications of the draft resolution contained in document E/CN.4/Sub.2/1991/L.47: statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council
E/CN.4/Sub.2/1991/L.70	8	Administrative and programme budget implications of the draft resolution contained in document E/CN.4/Sub.2/1991/L.53: statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council

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Symbol	Agenda item	
E/CN.4/Sub.2/1991/L.71	4	Mr. Al-Khasawneh, Ms. Attah, Mr. van Boven, Mr. Chernichenko, Ms. Daes, Mr. Despouy, Mr. Eide, Mr. Hatano, Mr. Heller, Mr. Ilkahanaf, Mr. Khalil, Ms. Ksentini, Ms. Palley, Mr. Rivas Posada, Mr. Saboia, Mr. Treat, Mr. Türk, Ms. Warzazi and Mr. Yimer: draft decision
E/CN.4/Sub.2/1991/L.72	15	Administrative and programme budget implications of the draft decision contained in document E/CN.4/Sub.2/1991/L.51: statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council
E/CN.4/Sub.2/1991/L.73	4	Administrative and programme budget implications of the draft resolution contained in document E/CN.4/Sub.2/1991/I.64: statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council
E/CN.4/Sub.2/1991/L.74	3	Mr. van Boven: draft decision
E/CN.4/Sub.2/1991/L.75	14	Mr. Alfonso Martínez, Ms. Daes, Mr. Treat and Mr. Yimer: draft decision
E/CN.4/Sub.2/1991/L.76	3	Administrative and programme budget implications of the draft decision contained in document E/CN.4/Sub.2/1991/L.74: statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council

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Symbol	Agenda item	
E/CN.4/Sub.2/1991/L.77	4	Mr. Al-Khasawneh, Ms. Attah, Mr. van Boven, Mr. Despouy, Mr. Eide, Mr. Ilkahanaf, Mr. Khalil, Mr. Maxim, Ms. Palley, Mr. Rivas Posada, Mr. Saboia, Mr. Sachar, Mr. Treat and Mr. Yimer: draft resolution
E/CN.4/Sub.2/1991/L.78	4	Administrative and programme budget implications of the draft resolution contained in document E/CN.4/Sub.2/1991/L.77: statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council

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Symbol	Agenda item	
E/CN.4/Sub.2/1991/NGO/1	17	Written statement submitted by the International Humanist and Ethical Union, a non-governmental organization on the Roster
E/CN.4/Sub.2/1991/NGO/2	8	Written statement submitted by Habitat International Coalition, a non-governmental organization on the Roster
E/CN.4/Sub.2/1991/NGO/3	15	Written statement submitted by Anti-Slavery International, International Work Group for Indigenous Affairs and Inuit Circumpolar Conference, non-governmental organizations in consultative status (category II) and by the Nordic Saami Council, a non-governmental organization on the Roster
E/CN.4/Sub.2/1991/NGO/4	15	Written statement submitted by the Four Directions Council, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1991/NGO/5	17 (a)	Written statement submitted by the International Federation Terre des Hommes, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1991/NGO/6	8	Written statement submitted by the Four Directions Council, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1991/NGO/7	8	Written statement submitted by the American Association of Jurists, a non-governmental organization in consultative status (category II)

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E/CN.4/Sub.2/1991/NGO/8	8	Written statement submitted by Food First Information and Action Network, a non-governmental organization on the Roster
E/CN.4/Sub.2/1991/NGO/9	6	Written statement submitted by Habitat International Coalition, a non-governmental organization on the Roster
E/CN.4/Sub.2/1991/NGO/10	17 (a)	Written statement submitted by the Lawyers Committee for Human Rights, a non-governmental organization on the Roster
E/CN.4/Sub.2/1991/NGO/11	4	Written statement submitted by Human Rights Advocates, a non-governmental organization on the Roster
E/CN.4/Sub.2/1991/NGO/12	6	Written statement submitted by Human Rights Advocates, a non-governmental organization on the Roster
E/CN.4/Sub.2/1991/NGO/13	15	Written statement submitted by the Indian Law Resource Center, a non-governmental organization on the Roster
E/CN.4/Sub.2/1991/NGO/14	6	Written statement submitted by the International League for the Rights and Liberation of Peoples, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1991/NGO/15	4	Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1991/NGO/16	6	Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II)

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Symbol	Agenda item	
E/CN.4/Sub.2/1991/NGO/17	11	Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1991/NGO/18	10 (a)	Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1991/NGO/19	10 (d)	Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1991/NGO/20	15	Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1991/NGO/21	3	Written statement submitted by the International Movement ATD Fourth World, World Confederation of Labour and World Federation of Trade Unions, non-governmental organizations in consultative status (category I), by the Arab Lawyers Union, Arab Organization for Human Rights, Bahá'i International Community, Four Directions Council, Human Rights Advocates, International Abolitionist Federation, International Association of Democratic Lawyers, International Association for the Defence of Religious Liberty, International Commission of Health Professionals for Health and Human Rights, International Council of Jewish Women, International Federation Terre des Hommes, International Fellowship of Reconciliation,

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E/CN.4/Sub.2/1991/NGO/21 (continued)		International Indian Treaty Council, International League for the Rights and Liberation of Peoples, International Movement for Fraternal Union among Races and Peoples, International Organization for the Elimination of All Forms of Racial Discrimination, International Work Group for Indigenous Affairs, Latin American Federation of Associations of Relatives of Disappeared Detainees, Womens' International League for Peace and Freedom, World Student Christian Federation and Pax Romana, non-governmental organizations in consultative status (category II) and by the Grand Council of the Crees, Indian Council of South America, Movement against Racism and for Friendship among Peoples, Nordic Saami Council and the Parliamentary Association for Euro-Arab Cooperation, non-governmental organizations on the Roster
E/CN.4/Sub.2/1991/NGO/22	4	Written statement submitted by the Sierra Club Legal Defense Fund, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1991/NGO/23	17 (b)	Written statement submitted by the International Council of Psychologists, a non-governmental organization on the Roster
E/CN.4/Sub.2/1991/NGO/24	6	Written statement submitted by Pax Christi-International Catholic Peace Movement, a non-governmental organization in consultative status (category II)

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Symbol	Agenda item	
E/CN.4/Sub.2/1991/NGO/25	19	Written statement submitted by Human Rights Advocates, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1991/NGO/26	10 (a)	Written statement submitted by Human Rights Advocates, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1991/NGO/27	10 (a)	Written statement submitted by Human Rights Advocates, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1991/NGO/28	10 (d)	Written statement submitted by Human Rights Advocates, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1991/NGO/29	8	Written statement submitted by the International Federation Terre des Hommes, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1991/NGO/30	16	Written statement submitted by Zonta International, a non-governmental organization in consultative status (category I), International Council of Jewish Women, International Council on Jewish Social and Welfare Services and International Federation of University Women, non-governmental organizations in consultative status (category II)
E/CN.4/Sub.2/1991/NGO/31	8	Written statement submitted by International Work Group for Indigenous Affairs, a non-governmental organization in consultative status (category II)

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Symbol	Agenda item	
E/CN.4/Sub.2/1991/NGO/32	4	Written statement submitted by International Work Group for Indigenous Affairs, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1991/NGO/33	6	Written statement submitted by Anti-Slavery International, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1991/NGO/34	12	Written statement submitted by Disabled Peoples' International, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1991/NGO/35	17	Written statement submitted by Disabled Peoples' International, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1991/NGO/36	12	Written statement submitted by Disabled Peoples' International, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1991/NGO/37	7	Written statement submitted by Disabled Peoples' International, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1991/NGO/38	4	Written statement submitted by Disabled Peoples' International, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1991/NGO/39	18	Written statement by the International Association of Educators for World Peace, a non-governmental organization in consultative status (category II)

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Symbol	Agenda item	
E/CN.4/Sub.2/1991/NGO/40	10	Written statement submitted by Human Rights Advocates, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1991/NGO/41	4	Written statement submitted by Human Rights Advocates, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1991/NGO/42	12	Written statement submitted by Human Rights Advocates, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1991/NGO/43	4	Written statement submitted by the International Commission of Jurists, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1991/NGO/44	4	Written statement submitted by International Educational Development Inc., a non-governmental organization on the Roster
E/CN.4/Sub.2/1991/NGO/45	4	Written statement submitted by the Four Directions Council, a non-governmental organization in consultative status (category II)